

Memorandum Department of Planning and Public Works



TO: Planning and Public Works Committee

FROM: Aimee E. Nassif, Planning and Development Services Director

DATE: August 27, 2010

RE: **P.Z. 06-2010 Eberwein Park Development (City of Chesterfield):** A request for a change of zoning from "NU" Non-Urban District to a "PS" Park and Scenic District for two tracts of land located at 1627 Old Baxter Road and 1657 Old Baxter Road (19S420547 & 19S420558).

Summary

The City of Chesterfield is initiating a change of zoning request from "NU" Non-Urban District to a "PS" Park and Scenic District in order to accommodate the construction of a park. The subject site, known as Eberwein Park, is approximately 18 acres in size and is located 1627 and 1657 Old Baxter Road.

The "PS" District is not a planned district; therefore in order to process the change of zoning, a preliminary development plan is not necessary. Also, an Attachment A is not required as any construction or development will adhere to all regulations as established in the City Code.

A public hearing was held on August 23, 2010. At the meeting of the Planning Commission, a recommendation for approval of the above referenced matter was approved by a vote of 8-0.

Attached please find a copy of Staff's report and the Outboundary Survey.

Respectfully submitted,

Aimee E. Nassif, AICP
Planning and Development Services Director


Cc: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning and Public Works



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Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date August 23, 2010 

From: Aimee Nassif, AICP, Planning and Development Services Director

Location: North of the intersection of Baxter Road and Old Baxter Road

Petition: P.Z. 06-2010 Eberwein Park Development (City of Chesterfield)

Proposal Summary

The City of Chesterfield requests a change of zoning from "NU" Non-Urban District to "PS" Park and Scenic District for two tracts of land located north of the intersection of Baxter Road and Old Baxter Road. Inasmuch as the City acquired the park for parks purposes, the zoning should reflect the proposed use.

Department Input

This request meets all of the development requirements of the City of Chesterfield "PS" Park and Scenic District. A Preliminary Plan and Attachment A are not required as the City of Chesterfield is requesting a "straight zoning". That is, the subject site will be developed directly from the requirements of the "PS" Park and Scenic District section of the City of Chesterfield Zoning Ordinance with no modifications or exceptions. An Outboundary Survey is included for reference purposes.

Site Area History

This 18.78 acre tract of land was originally part of approximately 463 acres of farm land purchased by Henry Zacharias Eberwein in 1835. Over time, this land was willed to various family members and heirs of Henry Eberwein. As time passed, sections of the original estate were sold to various entities. One of the more recent transactions was the sale of 12 acres of land for the development of what is now known as the Dierbergs Marketplace located at the corner of Baxter Road and Olive Road. In 2009, the City of Chesterfield purchased the remaining land which comprised 18.78 acres. The City intended to preserve the character of this site by developing a low intensity, neighborhood park which would be named after the Eberwein family.

There are currently five (5) structures on the subject site.

The ranch home, built in 1959, is approximately 2,498 square feet in size.



This barn is approximately 1895 square feet, is two (2) stories in height, and is served with electricity. Records indicate that Ernst Eberwein built the barn prior to building the white home, but an exact year is unknown.



The white frame shed near the ranch style home is approximately 364 square feet. The red frame shed near the barn is 279 square feet.



The last structure on the site is the Queen Anne style home built by Ernst Eberwein. The home is approximately 2,048 square feet, is three (3) stories in height and has a wrap around porch with hipped roof. Although documents obtained from St. Louis County date construction of this building to be around 1895, certain structural features such as the use of a poured concrete basement suggest that this structure was more likely built in the 1900's.



Surrounding Land Use and Zoning

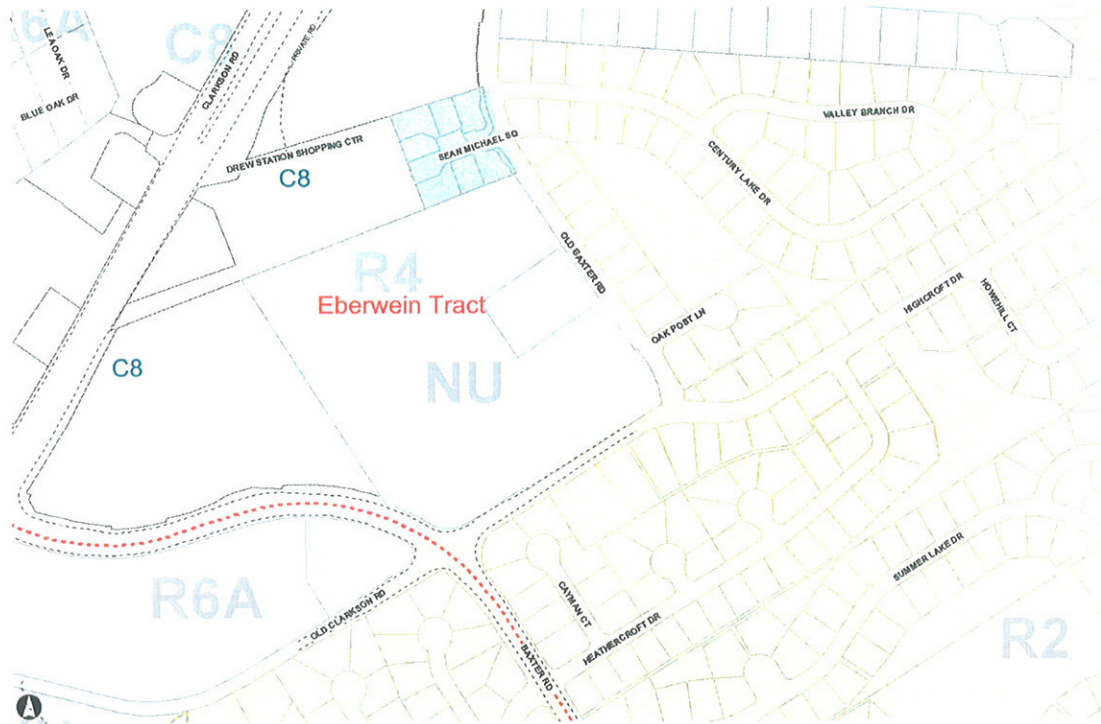
The land use and zoning for the properties surrounding this parcel are as follows:

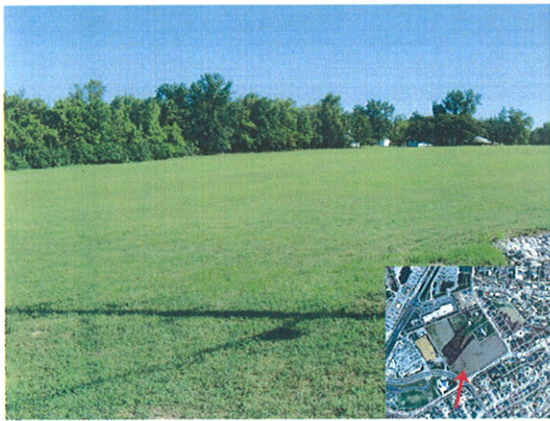
North: The property to the north of the subject site is the Drew Station Shopping Center zoned "C8" Planned Commercial and there is a residential development-Village at Olde Baxter Square.

South: The property to the south is residential dwellings, which include Highcroft Subdivision, zoned "R2" Residence District.

East: The property to the east is the residential subdivision-Baxter Oaks which is zoned "R2" Residence District.

West: The property to the west is a commercial development known as Dierbergs Marketplace, which is zoned "C8" Planned Commercial.





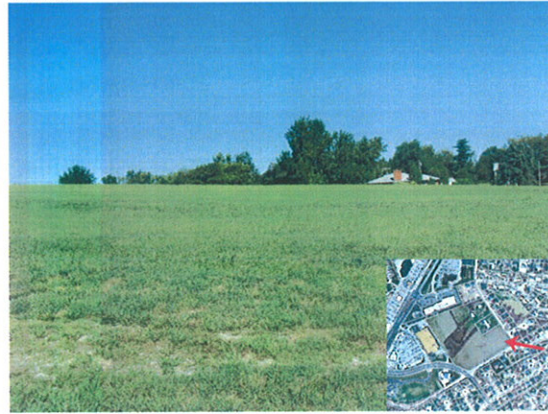
View looking north into the site from Baxter Road



View looking south into the site from Old Baxter Road



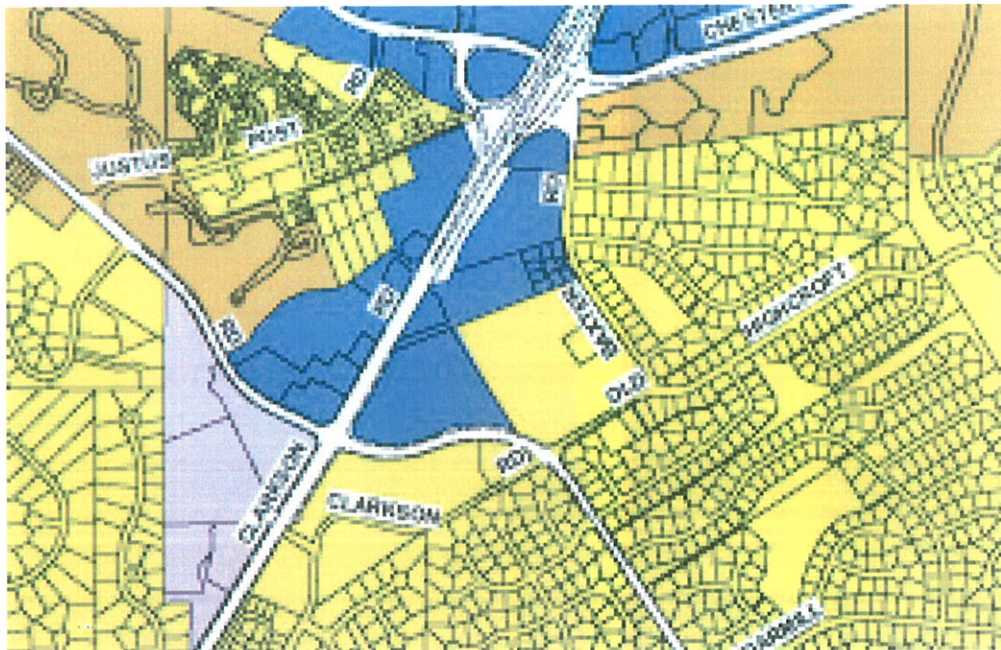
View looking east into the site from Dierbergs the Market Place



View looking west into the site from Highcroft Drive

Comprehensive Plan Analysis

The subject site is located within Ward 2 of the City of Chesterfield. The Land Use Map from the City of Chesterfield Comprehensive Plan calls this area as residential. A zoning map amendment to the Park and Scenic District is compatible with the residential designation.



Issues

A Public Hearing is being held before Planning Commission on August 23, 2010. Staff has reviewed the request and has no outstanding issues for this zoning map amendment.

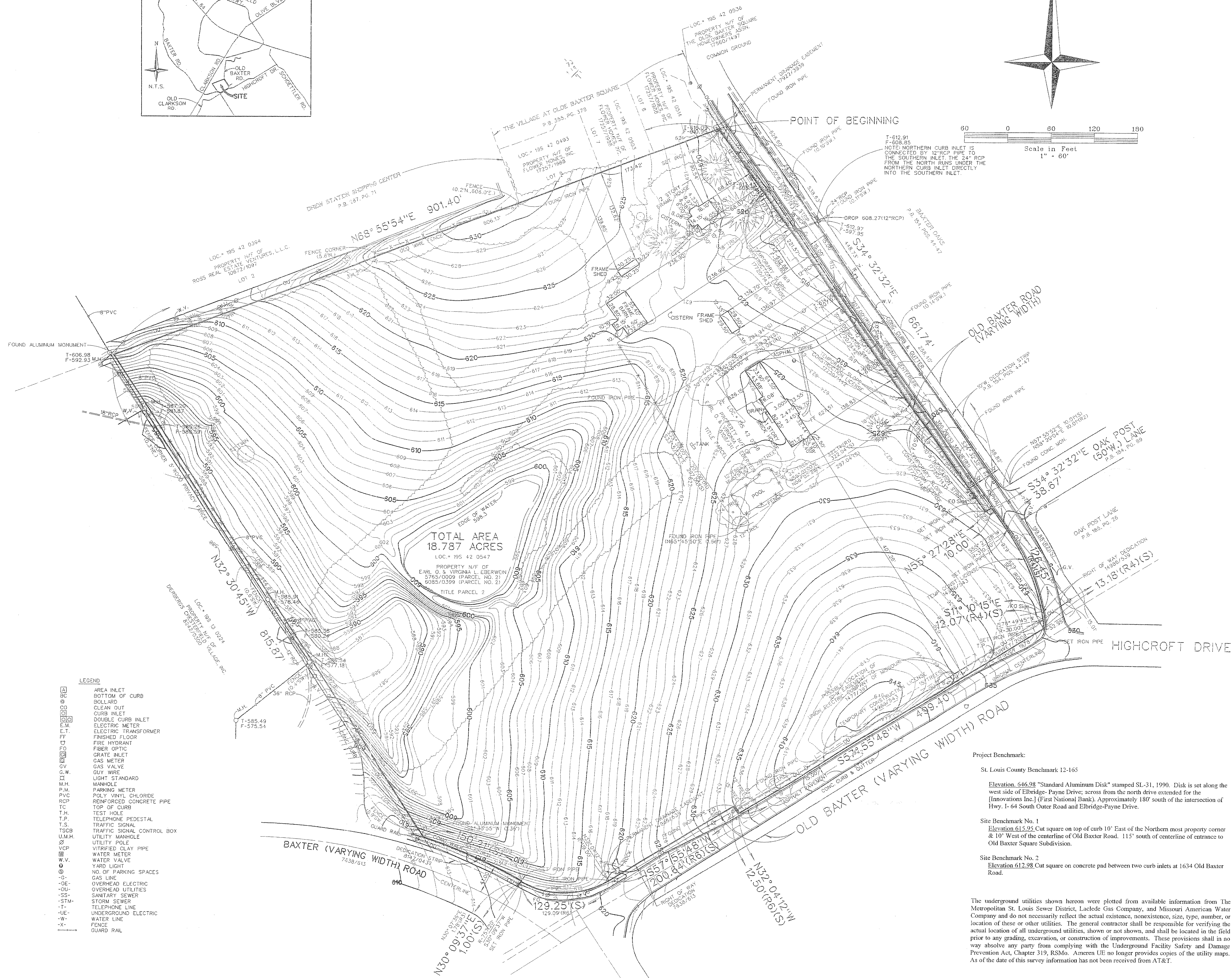
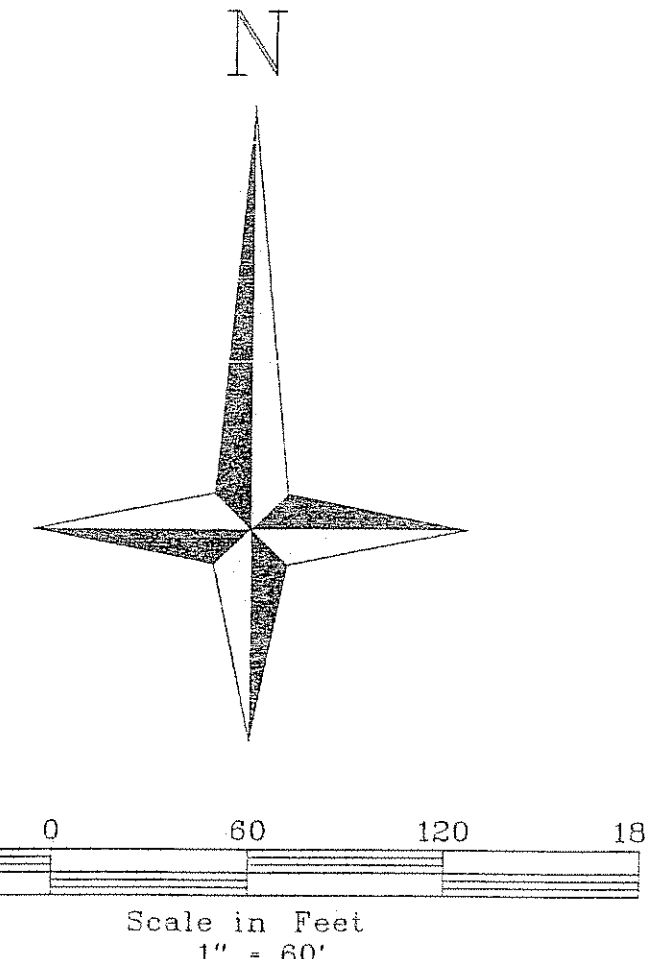
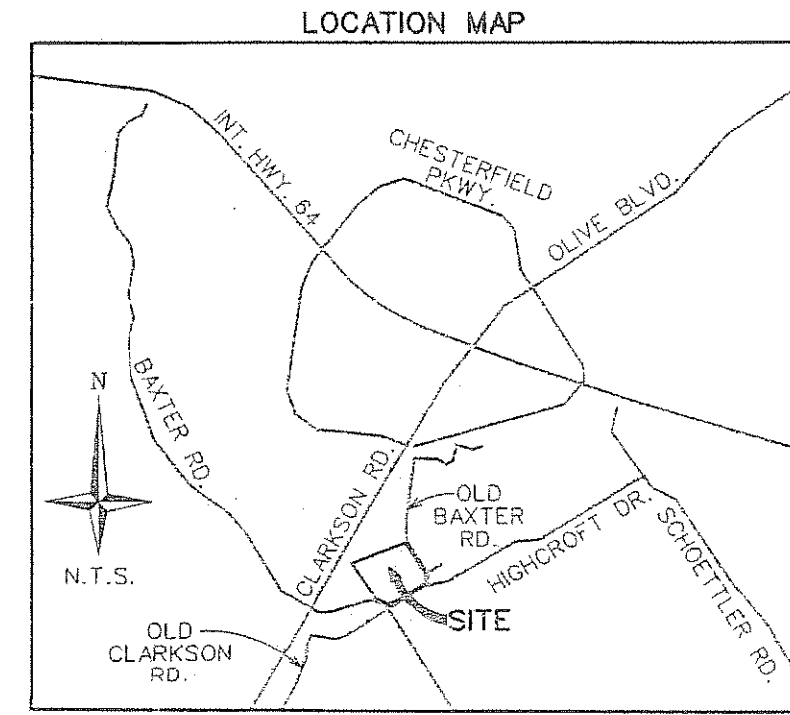
Request

Staff has reviewed the change of zoning request and it meets all of the development requirements for the City of Chesterfield "PS" Park and Scenic District. Staff requests action on P.Z. 06-2010 Eberwein Park Development (City of Chesterfield).

Attachments:

1. Outboundary Survey

A TRACT OF LAND IN U.S. SURVEY 2002
TOWNSHIP 45 NORTH - RANGE 4 EAST
CITY OF CHESTERFIELD
ST. LOUIS COUNTY, MISSOURI



A tract of land in U.S. Survey 2002, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of "The Village at Old Baxter Square," a subdivision according to the plat thereof recorded in Plat Book 353 page 378 of the St. Louis County records with the Southwest line of Old Baxter Road, varying width, as widened by instruments recorded in Book 17720 page 1437 and Book 17720 page 1442 of the St. Louis County records; thence Southeastwardly along said Southwest line of Old Baxter Road, as widened, South 34 degrees 22 minutes 32 seconds East 661.74 feet to a point; thence Northeastwardly along a Southeast line of said Old Baxter Road, varying width, as widened, North 55 degrees 27 minutes 28 seconds East 10.00 feet to a point being 15.00 feet perpendicularly distant Southwest of the original centerline; thence Southeastwardly along the Southwest line of said Old Baxter Road, varying width, South 34 degrees 22 minutes 32 seconds East 28.67 feet to the Northernmost corner of a right of way dedication recorded in Book 14986 page 539 of the St. Louis County records; thence Southwardly along the West line of said right of way dedication the following courses and distances: along a curve to the right whose radius point bears South 55 degrees 27 minutes 28 seconds West 210.00 feet from the last mentioned point, a distance of 126.45 feet, South 11 degrees 10 minutes 15 seconds East 12.07 feet and along a curve to the right whose radius point bears South 78 degrees 49 minutes 45 seconds West 30.00 feet from the last mentioned point, a distance of 13.18 feet to a point in the Southeast line of U.S. Survey 2002, being also the Northwest line of said Old Baxter Road, varying width, being 15.00 feet perpendicularly distant Northwest of the original centerline; thence Southwardly along said Northwest line of Old Baxter Road, varying width, South 57 degrees 55 minutes 48 seconds West 499.40 feet to the Easternmost corner of a right of way dedication recorded in Book 7638 page 613 of the St. Louis County records; thence along said right of way dedication the following courses and distances: North 22 degrees 04 minutes 12 seconds West 12.60 feet, South 57 degrees 55 minutes 48 seconds West 200.64 feet and along a curve to the right whose radius point bears North 22 degrees 04 minutes 12 seconds West 119.00 feet from the last mentioned point, a distance of 129.25 feet to a point in the Southeast line of a right of way dedication recorded in Book 8147 page 437 of the St. Louis County records; thence Northwardly along the Southeast line of said right of way dedication North 30 degrees 09 minutes 37 seconds East 1.00 foot to a point; thence Westwardly along the North line of said right of way dedication, being also the North line of Baxter Road, varying width, along a curve to the left whose radius point bears South 30 degrees 09 minutes 37 seconds West 757.20 feet from the last mentioned point, a distance of 150.21 feet to a point in the Northeast line of property described in deed to Dierbergs Chesterfield Village, Inc. recorded in Book 8242 page 300 of the St. Louis County records; thence Northwardly along the Northeast line of said Dierbergs Chesterfield Village, Inc. property North 32 degrees 30 minutes 45 seconds West 815.37 feet to a point in the South line of "Drew Station Shopping Center," a subdivision according to the plat thereof recorded in Plat Book 287 page 71 of the St. Louis County records; thence Eastwardly along the South line of said "Drew Station Shopping Center" and the South line of aforesaid "The Village at Old Baxter Square" North 68 degrees 55 minutes 54 seconds East 901.40 feet to the point of beginning and containing 18.787 acres according to a survey by Volz Incorporated.

Title Commitment Schedule B - Section II Notes:

Property is referenced from Commitment by Fidelity National Title Insurance Company, File No. 20081028 dated September 13, 2008, which was relied upon to disclose all assessments, rights of way and restrictions affecting this property. Volz Incorporated comments are in brackets.

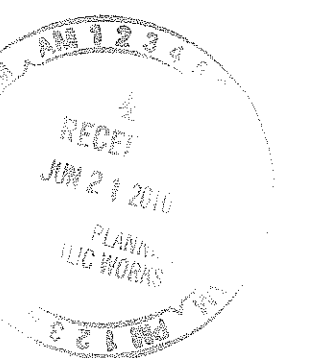
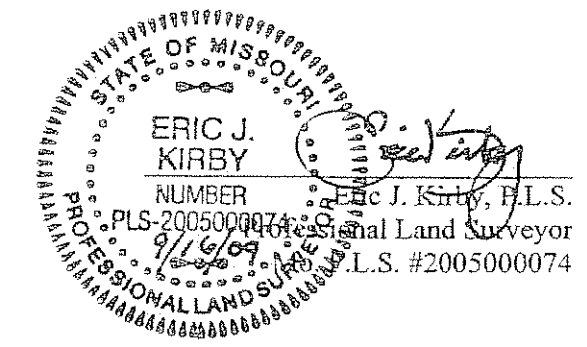
- Easement granted to Union Electric Company by the instrument recorded in Book 1477 page 397, (Parcel 2) [Easement description is vague, possible location shown]
- Right of way granted to St. Louis County, Missouri recorded in Book 7638 page 613, (Parcels 1 and 2) [Shown]
- Permanent Drainage Easements and Permanent Sight Distance Easement granted to St. Louis County, Missouri recorded in Book 7638 page 613, (Parcels 1 and 2) [Do not affect this property. The Temporary Slope and Construction License described in Book 7638 page 613 is assumed to have expired and is not plotted]
- Permanent Drainage Easement granted to the City of Chesterfield recorded in Book 14986 page 535, (Parcel 2) [Shown]
- Temporary Construction License granted to The City of Chesterfield recorded in Book 14986 page 543, (Parcel 2) [Shown]
- Temporary Construction License granted to The City of Chesterfield recorded in Book 17720 page 1437, (Parcel 2) [Shown]
- Temporary Construction License granted to The City of Chesterfield recorded in Book 17720 page 1442, (Parcel 1) [Shown]
- Permanent Sidewalk Easement recorded in Book 17720 page 1442, (Parcel 1) [This instrument does not grant a Permanent Sidewalk Easement]
- Permanent Sidewalk Easement recorded in Book 17720 page 1437, (Parcel 2) [This instrument does not grant a Permanent Sidewalk Easement]
- Easement granted to The Metropolitan St. Louis Sewer District by the instrument recorded in Book 17922 page 3939, [Shown]

General Notes:

- Bearing on the Southwest property line was adopted from General Warranty Deed recorded in Book 8242 page 300 of the St. Louis County records.
- Sources of Record:
(R1) Deed Book 5108 page 311
(R2) Plat Book 185 page 26
(R3) Deed Book 3147 page 437
(R4) Deed Book 14986 page 539
(R5) Deed Book 17720 page 1437
(R6) Deed Book 7638 page 613
(S) Denotes Survey
- Right of way dedication to St. Louis County, Missouri recorded in Book 8147 page 437 was noted on the St. Louis County Assessor's plat and is shown hereon. The Temporary Slope Construction License in said instrument is assumed to have expired and was not plotted.

We, Volz Incorporated, have, during August 2009, by order of The City of Chesterfield, made a topographic survey of "A tract of land in U.S. Survey 2002, Township 45 North - Range 4 East, City of Chesterfield, St. Louis County, Missouri" and the results are shown hereon. Boundary survey information was taken from survey prepared by Volz Inc during November 2008, Project No. 9623-0.

September 16, 2009
Date



Project Benchmark:

St. Louis County Benchmark 12-165

Elevation, 546.98 "Standard Aluminum Disk" stamped SL-31, 1990. Disk is set along the west side of Elbridge - Payne Drive, across from the north drive extended for the [Innovations Inc.] (First National Bank), Approximately 180' south of the intersection of Hwy. I-64 South Outer Road and Elbridge-Payne Drive.

Site Benchmark No. 1

Elevation 615.95 Cut square on top of curb 10' East of the Northern most property corner & 10' West of the centerline of Old Baxter Road. 115' south of centerline of entrance to Old Baxter Square Subdivision.

Site Benchmark No. 2

Elevation 612.28 Cut square on concrete pad between two curb inlets at 1634 Old Baxter Road.

The underground utilities shown hereon were plotted from available information from the Metropolitan St. Louis Sewer District, Laclede Gas Company, and Missouri American Water Company and do not necessarily reflect the actual existence, nonexistence, size, type, number, or location of these or other utilities. The general contractor shall be responsible for verifying the actual location of all underground utilities, shown or not shown, and shall be located in the field prior to any grading, excavation, or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 319, RSMo. Ameren UE no longer provides copies of the utility maps. As of the date of this survey information has not been received from AT&T.

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Sheet 9623-3
Eberwein Tract