



**VIII.E.**

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Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

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## **Planning Commission Staff Report**

**Subject:**            **Rezoning Vote Report**

**Meeting Date:**    September 10, 2007

**From:**             Mara M. Perry, AICP, Senior Planner of Site Plan Review

**Location:**         ¼ mile southwest of the intersection of Wild Horse Creek Road and Wilson Road (19T430161)

**Petition:**          P.Z. 39-2007 Amato House (405 Griffith Lane)

### **Proposal Summary**

Charles and Nora Amato request for a change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District for a 2.638 acre tract of land located ¼ mile southwest of the intersection of Wild Horse Creek Road and Wilson Road (19T430161).

### **Staff Recommendation**

This request meets all of the development requirements of the City of Chesterfield and therefore, Staff recommends approval of rezoning request.

### **Zoning Analysis**

A preliminary plan and Attachment A are not necessary as the Petitioner is attempting a “straight zoning.” That is, the subject site will be developed directly from the requirements of the Estate District section of the City of Chesterfield Zoning Ordinance without exemption.

### **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 zoned “NU” Non-Urban District & “FPNU” Flood Plain Non-Urban District.

South: The property to the south is Chesterfield Lakes, zoned "NU" Non-Urban District  
 East: The property to the east is zoned "NU" Non-Urban District.  
 West: The property to the west is Fox Hill Farms, zoned "E-1/2" Acre Estate District.



View looking towards the southern edge of the Site.



View looking south towards the existing home.





View looking north along Griffith Lane.



View looking south along Griffith Lane.

### **Comprehensive Plan Analysis**

The subject site is located within Ward 4 of the City of Chesterfield. The Comprehensive Plan calls for the property to be Residential – Single Family. 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 “NU” Non-Urban prior to incorporation by the City of Chesterfield.

### **Issues**

A Public Hearing was held August 13, 2007. At that time several issues were identified. Those issues along with the petitioner’s responses are attached.

Below are the issues that Staff was asked to respond to:

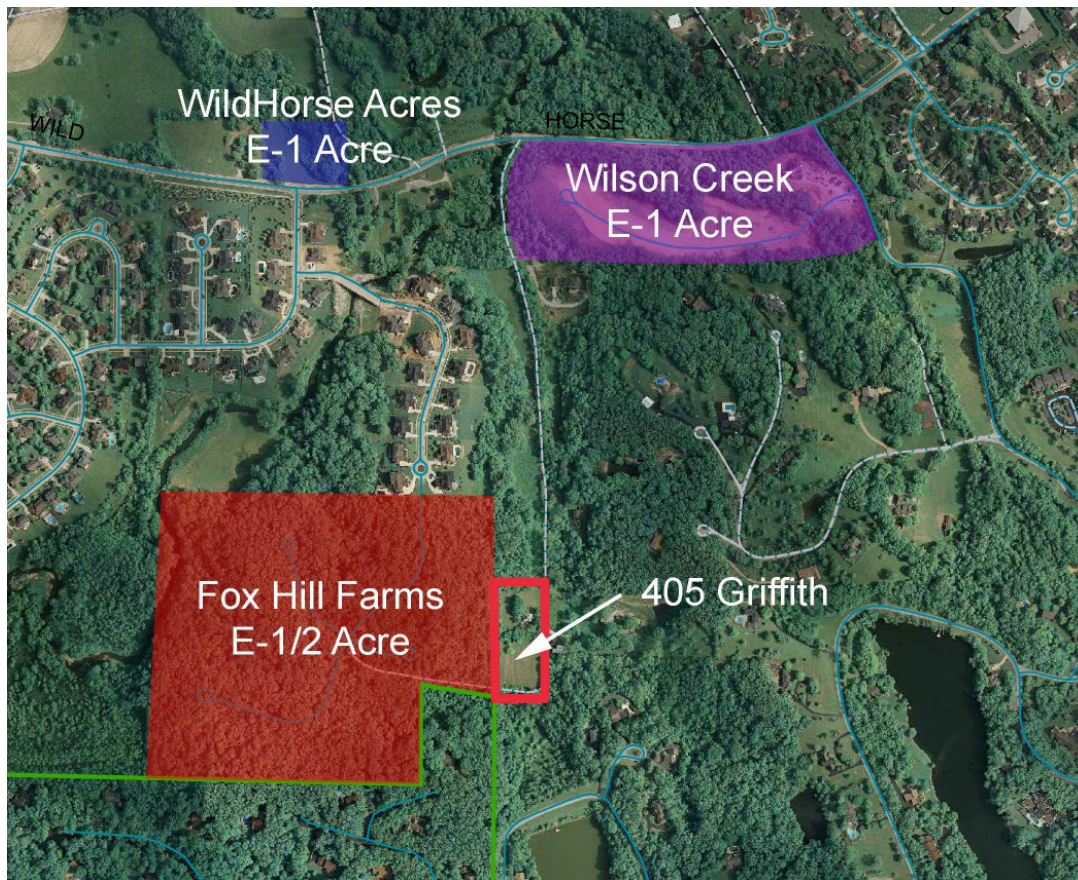
1. What would be the responsibility of developed lots with respect to improvements?

Improvements are not required at this time. When the property comes in for approval of a lot split, required improvements will be addressed. At that time, outside agencies will provide the property owners with what improvements they will require.

2. Staff was asked how many homes are on Griffith Lane and how many acres are associated with each home. Please see the chart below for the totals.

<b>Address</b>	<b>Number of Homes</b>	<b>Acreage</b>
405 Griffith Lane	1	2.64 Acres
404 Griffith Lane	1	5.1 Acres
400 Griffith Lane	1	3 Acres
16902 Wild Horse Creek Road	1	4.6 Acres

3. Staff was asked to provide information on what has been rezoned in the area of the subject site. Please refer to the map below for recent rezonings in the area.



**Request**

Staff requests action on the change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mara M. Perry'.

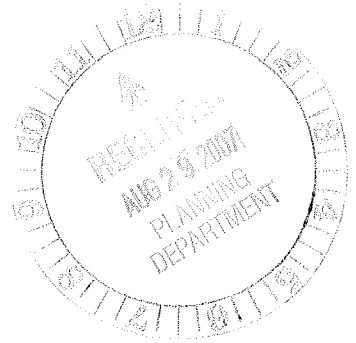
Mara M. Perry, AICP  
Senior Planner of Site Plan Review

**Attachments**

1. Letter from Charles and Nora Amato, dated August 26, 2007
2. Outboundary Survey

AUGUST 26, 2007

CHARLES AND NORA AMATO  
405 GRIFFITH LANE  
CHESTERFIELD, MO. 63005



CITY OF CHESTERFIELD  
690 CHESTERFIELD PKWY WEST  
CHESTERFIELD, MO. 63017

Dear Mrs. Perry,

You had requested that we respond to the 4 issues noted by the Planning Commission during the August 13, 2007 Public Hearing which referenced our proposed rezoning of the property at 405 Griffith Lane. Those 4 issues were:

- 1- Research whether this property is in an indentured subdivision.
- 2-What would the responsibility of the developed lots with respects to improvements?
- 3-Provide information on what has been rezoned in the area of the subject site.
- 4-How many homes are on Griffith Lane and how many acres are associated with each home?

We would like to promulgate the following the information in response to the issues raised by the Planning Commission:

1- We have engaged the services of a local title company, Integrity Land Title, to research the indentures question and have found that there are no indentures attached to Griffith Lane. Please refer to the attached documentation from Integrity Land Title.

2-We understand that the Monarch Fire District 'will need to review and approve the new lot split before it is developed'. We will comply with their request to review future lot split proposal.

-We understand that the Metropolitan Sewer Districts comments to be, "prior to issuance of permits the preparation and recording of special sanitary sewer agreements shall be required. Formal plan submittal and approval is required by MSD prior to issuance of permits". We will prepare and record the 'special sanitary sewer agreements' as requested. We will submit 'formal plan' for approval.

3-Eagle Crest Subdivision-adjacent to 405 Griffith on north property line, rezoned to R-1.

Fox Hill Subdivision-adjacent to 405 Griffith on west property boundary, rezoned to E- ½ acre.

Wilson Creek Estates- located Wildhorse and Wilson Roads, rezoned to E-1 acre.

4- Presently there are 4 homes on Griffith Lane and the acreage breakdown is as follows:

-405 Griffith- 2.638 acres

-404 Griffith- 5.1 acres

-400 Griffith- 2.9 acres

-16902 Wild Horse Creek-4.6 acres ( Nowak's property actually on Griffith Lane)

We hope this letter has addressed the concerns of the Planning Commission and if there is additional information you require please do not hesitate to contact us.)

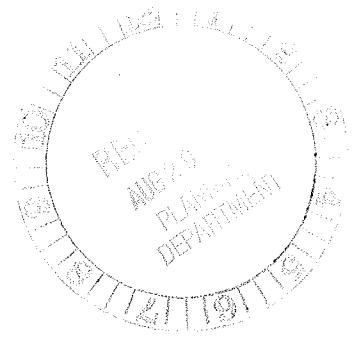
Sincerely,

A handwritten signature in cursive script that reads "Charles & Nora Amato". The signature is written in black ink and is positioned below the word "Sincerely,".

Charles & Nora Amato

# INTEGRITY

Land Title Company, inc



## Commonwealth Land Title Insurance Company Property Report

Commitment Number: IT-30673-07-DR

Firm File No. IT-30673-07-DR

Property Address: 405 Griffith Lane, Chesterfield, MO 63005

Report Date: August 13, 2007 at 08:01 AM

To: Westbridge Bank and Trust

Fee Simple interest in the land described, is owned by:

Francis L. Macalady, Trustee of the Francis L. Madalady Revocable Living Trust u/t/a dated 06/21/89 and Leitha L. Macalady, Trustee of the Leitha L. Macalady Revocable Living Trust u/t/a dated 06/21/89

The land referred to and described as follows:

See Exhibit "A" Attached Hereto

Property Identification No.: 19T430161

Tax Rate: 7.5623

County: St. Louis

Assessed Value: \$ 31,180.00

County Real Property

Taxes in the Amount of: 2006 \$2,385.92 were paid.

2006 Sewer Lateral Fees: \$28.00, included in the above tax amount.

The Company notes the following exceptions:

1. This Company requires a Trust Affidavit to be signed at closing confirming the following,
  - 1) the trustees are the duly acting and qualified Trustees under said trust:
  - 2) the trust has not been amended, revoked, or canceled, and is in full force and effect: and
  - 3) the trustees have the full and complete powers and authority to sell the subject property.
2. This Company requires a copy of the Trust Agreement under which title is currently held. This Commitment may be subject to further examination as deemed necessary.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any matters that would be disclosed by an accurate survey and inspection of the premises.
5. Easements, liens or encumbrances or claims thereof, which are not shown by the public record.
6. Any lien, or right to a lien, for services, labor or material imposed by law and not shown by the public record.
7. Taxes or special assessments that are not shown as existing liens by the public records.
8. Any sewer lateral line surcharges, notice of which has not been filed in the office of the Recorder of Deeds.
9. Any assessments for maintenance of sewer systems, notice of which has not been filed in the office of the Recorder of Deeds.
10. Any assessments by Trustees of said subdivision, notice of which has not been filed in the office of the

**Property Report  
(Continued)**

Commitment Number: IT-30673-07-DR

Firm File No. IT-30673-07-DR

Property Address: 405 Griffith Lane, Chesterfield, MO 63005

Recorder of Deeds.



**Commonwealth**

**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

By: \_\_\_\_\_

Integrity Land Title Company, Inc.

2388 Schuetz Rd Suite B-63

St. Louis, Missouri 63146

(314)692-0444



**Commonwealth Land Title Insurance Company  
Commitment for Title Insurance**

Commitment Number: IT-30673-07-DR

Firm File No. IT-30673-07-DR

Property Address: 405 Griffith Lane, Chesterfield, MO 63005

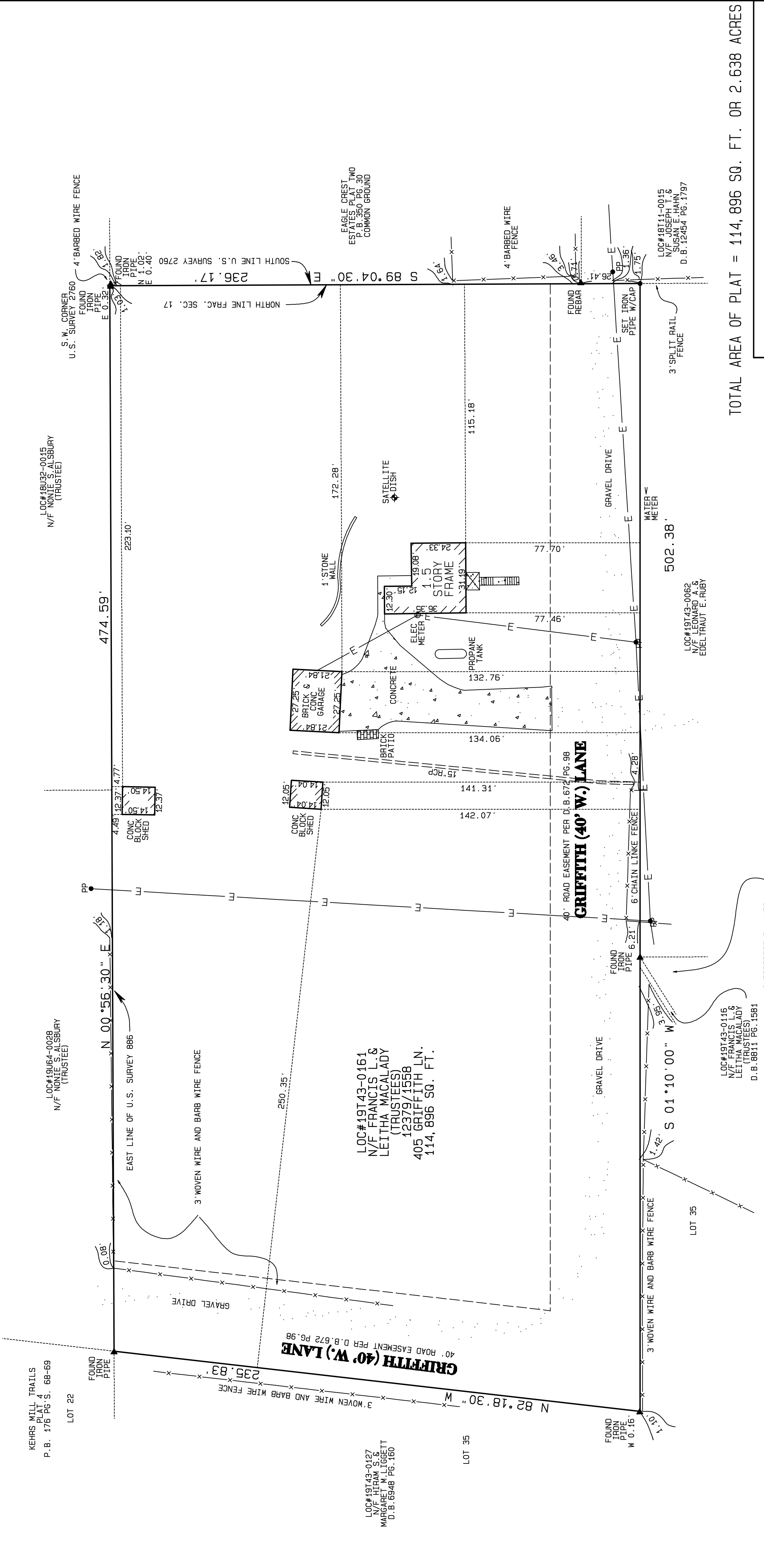
**EXHIBIT A  
PROPERTY DESCRIPTION**

The land referred to and described as follows:

Parcel No. 1: A tract of land in the Northeast 1/4 of the Northwest Fractional 1/4 of Section 17, Township 45 North, Range 4 East, described as: Beginning in the North line of said Fractional 1/4 Section at the Southwest corner of Survey 2760, said point being also the East line of Survey 886, thence running South 89 degrees 41 minutes East along the North line of said Section 17 and the South line of Survey 2760, a distance of 196.08 feet to the West line of a 40 foot road established by Instrument recorded in Book 672 Page 98 of the St. Louis County Recorder's Office, thence along the West line of said road South 0 degrees 32 minutes West, a distance of 459.98 feet to an angle in said road, thence along the North line of said road North 82 degrees 32 minutes West 195.78 feet to a point in the East line of U. S. Survey 886, thence along the East line of said Survey 886, North 0 degrees 19 minutes East 454.67 feet to the point of beginning.

Parcel No. 2: A strip of land 40 feet in width situated in Fractional Section 17 Township 45 North, Range 4 East, in St. Louis County, Missouri, the center line of said 40 foot strip of land being more particularly described as follows: Beginning at a point in the South line of United States Survey 2760 Township 45 North, Range 4 East said point being distant South 89 degrees 41 minutes East, 216.08 feet from the Southwest corner of said United States Survey 2760, thence South 0 degrees 32 minutes West 479.98 feet to a point, thence North 82 degrees 56 minutes West 215.78 feet to a point in the East line of United States Survey 886 Township 45 North, Range 4 East, said point being distant South 0 degrees 19 minutes West 474.67 feet from the Southwest corner of said United States Survey 2760.

# A TRACT OF LAND IN THE N.E. 1/4 OF THE N.W. FRAC. SEC. 17, TOWNSHIP 45 NORTH, RANGE 4 EAST



TOTAL AREA OF PLAT = 114,896 SQ. FT. OR 2.638 ACRES

405 GRIFFITH LN.	
<b>CORNERSTONE LAND SURVEYING</b>	
2708 BARRETT MEADOWS COURT BALLWIN, MO. 63021 (314) 966-9987 (314) 966-0329 (FAX)	
Project #	03-088
Drawn By	T.E.B
File Name:	03088
Sheet Number	1 OF 1
Checked By	R.E.B.
Date	5/20/03
Revisions	5/20/03

**PROPERTY DESCRIPTION**

A TRACT OF LAND IN THE NORTHEAST 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 17, TOWNSHIP 45 NORTH, RANGE 4 EAST AS RECORDED BY DEED IN BOOK 12379 PAGE 1558 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID FRACTIONAL 1/4 SECTION AT THE SOUTHWEST CORNER OF U.S. SURVEY 2760, SAID POINT BEING ALSO ON THE EAST LINE OF U.S. SURVEY 886; THENCE ALONG THE NORTH LINE OF SAID SECTION 17 SOUTH 86 DEGREES 04 MINUTES 30 SECONDS EAST, 236.83 FEET TO THE EAST LINE OF 40 FOOT WIDE ROAD ESTABLISHED BY INSTRUMENT RECORDED BY DEED IN BOOK 172 PAGE 98 OF THE ST. LOUIS COUNTY MISSOURI RECORDS; THENCE ALONG THE EAST LINE OF SAID 40 FOOT WIDE ROAD, SOUTH 01 DEGREE 10 MINUTES 00 SECONDS WEST, 502.36 FEET TO AN ANGLE POINT IN SAID ROAD; THENCE ALONG THE SOUTH LINE OF SAID ROAD, NORTH 82 DEGREES 48 MINUTES 16 SECONDS WEST, 235.83 FEET TO A FOUND IRON PIPE ON THE EAST LINE OF SAID U.S. SURVEY 886; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 56 MINUTES 30 SECONDS EAST, 474.59 FEET TO THE POINT OF BEGINNING CONTAINING 114,896 SQUARE FEET (2.638 ACRES).

THIS IS TO CERTIFY TO FRANCIS MACALADY, THAT AT HIS REQUEST, WE HAVE ON MAY 16, 2003 EXECUTED A SURVEY AS PER THE RECORD PLAT, TO LOCATE THE IMPROVEMENTS AND RESET THE MONUMENTATION ON A TRACT OF LAND IN NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 NORTH, RANGE 4 EAST, AS RECORDED IN DEED BOOK 12379 PAGE 1558, OF THE ST. LOUIS COUNTY, MO. RECORDS, SUBJECT TO ALL EASEMENTS OF RECORD. THIS SURVEY WAS EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND LAND SURVEY AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS. NOTES: A CURRENT TITLE REPORT OR ABSTRACT OF TITLE HAS NOT BEEN FURNISHED TO THE LAND SURVEYOR BY THE CLIENT; AND, NO INVESTIGATION HAS BEEN CONDUCTED AS TO THE PRESENT STATUS OF EASEMENTS, BUILDING LINES, ZONING OR OTHER RESTRICTIVE CONDITIONS AFFECTING THE SUBJECT LAND. TRACT IS "URBAN" CLASS PROPERTY.

JOB NUMBER 03-088 DRAWN BY T.E.B. CHECKED BY R.E.B.