

**III.A.**



**Memorandum  
Department of Planning & Public Works**

**To:** Planning and Zoning Committee  
**From:** Annissa G. McCaskill-Clay, Assistant Director of Planning  
**Date:** 10/1/2007  
**RE:** **P.Z. 27-2007 1401 Wilson (Chris Barry)**: A request for a change of zoning from "NU" Non-Urban District to "E-One Acre" Estate District for a 3.0 acre tract of land located on the west side of Wilson Road, directly north of Wilson Bluffs.

**Summary**

Chris Barry has submitted the above-referenced change of zoning from "NU" Non-Urban District to "E-One Acre" Estate District for a 3.0 acre tract of land located on the west side of Wilson Road, directly north of Wilson Bluffs. The public hearing for P.Z. 27-2007 was held before the City of Chesterfield Planning Commission on August 28, 2007. At the Commission's September 24, 2007 meeting, a recommendation for approval was passed by a vote of 7-0.

Attached please find a copy of Staff's report and the preliminary plan.

Respectfully submitted,

*Annissa McCaskill-Clay*

Annissa G. McCaskill-Clay, AICP  
Assistant Director of Planning

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



# VIII. B.

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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

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## Planning Commission Staff Report

**Subject:** Rezoning Issues/Vote Report

**Meeting Date:** September 24, 2007

**From:** Annissa McCaskill-Clay, Assistant Director of Planning

**Location:** 1701 Wilson Road

**Petition:** P.Z. 27-2007 1701 Wilson (Chris Barry)

### **Proposal Summary**

Chris Barry has submitted an application for a change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District per the regulations of City of Chesterfield Zoning Ordinance Section 1003.107 (Estates Districts). The location of the site is on the west side Wilson Road, directly north of Wilson Bluffs.

### **Staff Recommendation**

The Attachment A for this request meets all the development requirements of the City of Chesterfield and therefore, staff recommends approval of the change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District.

### **Zoning Analysis:**

A Preliminary Plan and Attachment A are not necessary as the Petitioner is attempting a “straight zoning.” “Straight zoning” means that 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**

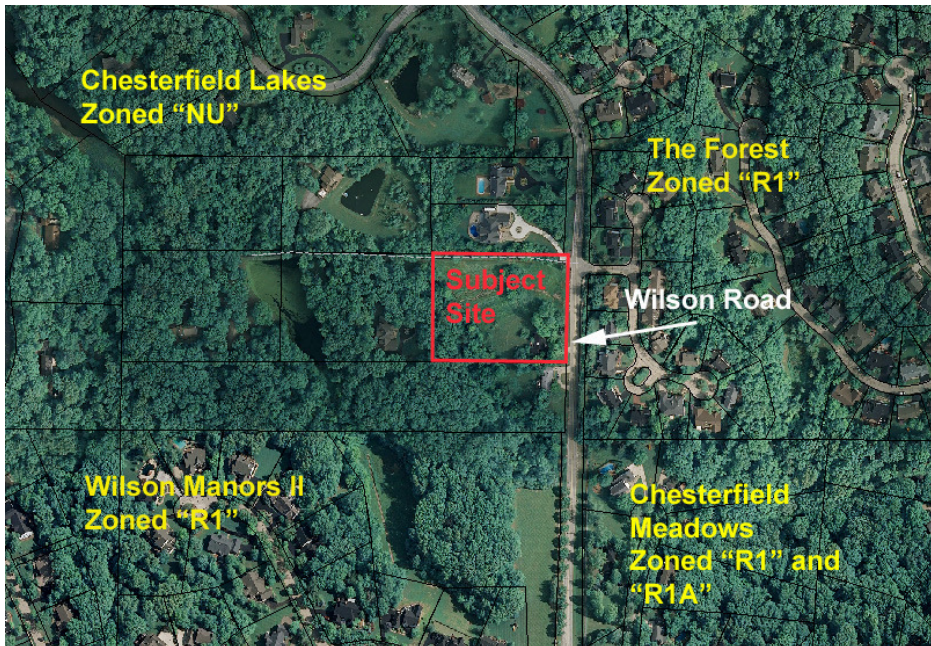
The land use and zoning for the properties surrounding the subject parcel are as follows:

North: The property to the north is the “R1” Residence District-zoned Christopher Woods Subdivision.

South: The property to the south is Wilson Bluffs, which was recently zoned “E-One Acre” Estate District.

West: The properties to the west are “NU” Non-Urban District.

East: Directly to the east is Wilson Road; and beyond Wilson is the “R1” Residence District-zoned Chesterfield Meadows.



### **Comprehensive Plan Analysis**

The subject site is located within Ward 4 of the City of Chesterfield. The Comprehensive Plan calls for this area to be single family residential. There is no recommendation for density for this area and it 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 District prior to incorporation by the City of Chesterfield.

### **Issues**

A Public Hearing was held on August 28, 2007. At that time several issues were identified. Those issues, along with the Petitioner's responses are attached.

### **Request**

Staff recommends approval of the change of zoning from "NU" Non-Urban District to "E One Acre" Estate District. Action is requested by the Commission on P.Z. 27-2007 1701 Wilson (Chris Barry).

Respectfully submitted,



Annissa G. McCaskill-Clay, AICP  
Assistant Director of Planning

### Attachments

1. Preliminary Plan (for informational purposes only)
2. Petitioner's response to issues

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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

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August 29, 2007

Mr. Chris Barry  
1701 Wilson Ave.  
Chesterfield, MO 63005

VIA U.S. AND ELECTRONIC MAIL ([cbarry@rjbarry.com](mailto:cbarry@rjbarry.com))

**Re: P.Z. 27-2007 1701 Wilson (Chris Barry)**

Dear Mr. Barry:

A Public Hearing was held for the project referenced above on August 27, 2007. There were issues raised by the Planning Commission for review. These issues are listed below for your response.

1. Preservation of the existing tree mass towards the west. Preservation of the existing monarch tree on the site.
2. Is the road on the northern part of the property a private road? Is there an issue with gaining access to the site off of this road?

#### **GENERAL CONDITIONS**

Additional information which may be applicable to this project are attached as Exhibit A. **Please review these conditions carefully.** Response to this information is not required unless a modification or alternate compliance is requested.

A written response to each issue listed in this letter is required. This project will not be placed on the Planning Commission agenda for an issues meeting until after all items are addressed in writing. For consideration on the Planning

P.Z. 27-2007 1701 Wilson (Chris Barry)  
August 29, 2007  
Page 2 of 2

Commission agenda on September 10, 2007 Planning Commission, please submit your written response to each issue and any amended plan to the Department of Planning by **August 31, 2007**. Please do not hesitate to contact me at [amccaskill@chesterfield.mo.us](mailto:amccaskill@chesterfield.mo.us) or 636.537.4737 if you have any questions.

Sincerely,



Annissa G. McCaskill-Clay, AICP  
Assistant Director of Planning

Cc: Susan Mueller, Principal Engineer  
Jeff Paskiewicz, Civil Engineer

**BARRY & COMPANY**  
BUILDER • DEVELOPER • BROKER

SECRET  
143  
PLANNING  
DEPARTMENT

September 6, 2007

City of Chesterfield  
690 Chesterfield Pkwy West  
Chesterfield, MO 63017-0670

RE: PZ27-2007 1701 Wilson Road – Chris Barry

Dear Annissa,

Attached please find the answers to your questions listed as issues in your correspondence dated August 29, 2007.

Item 1: We will preserve the existing tree mass on the western end of the property as indicated on the tree delineation plan. There is no need to disturb those trees. There is only one monarch tree on the subject property that is identified to have only fair health, fair canopy, fair roots and fair value to the site. This tree will be an obstruction to the preliminary grading design and we would like to remove it. Please note on the preliminary improvement plans the inclusion of many new trees to be planted.

Item 2: Attached please find the documents that address the private road easement on the subject site. This should provide the necessary answer.

Here are the comments from the surveyor reviewing the documents - "I have gotten a copy of deed 4844 page 507 which was noted on the record plat for this property and it creates a 30 foot wide ingress egress easement. It is from George Schwalm to William Schwalm that is about all it says, it does not say it is private or limited at all, or any time frame.

I also got a copy of the deed for book 12112 page 2143 and it has a note at the end of the description for a 3 acre parcel for a 15 foot easement for ingress and egress and a reference to the 30 feet wide easement so I would say that it has continued and gives the adjoiner the right to use the easement as a driveway."

Sincerely,



Chris R. Barry





2  
Form 224  
17-A

Class 6

# GENERAL WARRANTY DEED (Individual)

191879

This Deed, Made and entered into this 7th day of May, 1999, by and between WILLIAM G. SCHWALM and BRENDA V. SCHWALM, HUSBAND AND WIFE

of the County of St. Louis State of Missouri party or parties of the first part, and WILLIAM CARRELL TANDY JR. and SONYA F. TANDY, HUSBAND AND WIFE

1661 WILSON STREET, CHESTERFIELD, MO 63005 party or parties of the second part, of the County of St. Louis State of Missouri

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of St. Louis and State of Missouri, to-wit:

SEE "ATTACHMENT"

Together with all improvements thereon known and numbered as 1661 WILSON STREET.

Subject to existing building lines, easements, conditions, restrictions, zoning regulations, etc., now of record, if any.

Locator No: 19T520031

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever.

The said party or parties of the first part hereby covenants that said party or parties and the heirs, executors, administrators and assigns of such party or parties, shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whatsoever, excepting, however, the general taxes for the calendar year 1999 and thereafter, and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

*William G. Schwalm*  
WILLIAM G. SCHWALM  
*Brenda V. Schwalm*  
BRENDA V. SCHWALM

STATE OF MISSOURI }  
County of St. Louis } ss. On this 7th day of May, 1999, before me personally appeared WILLIAM G. SCHWALM and BRENDA V. SCHWALM, HUSBAND AND WIFE to me known to be the persons or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County of St. Charles and State of Missouri this 7th day and year first above written.

My term expires My Commission Expires Feb 7, 2003

*[Signature]*  
Notary Public

"ATTACHMENT"

A tract of land in the Southwest 1/4 of the Northwest 1/4 of Section 16, Township 45 North, Range 4 East in St. Louis County, Missouri, and described as follows: Beginning at an iron pipe in the South line of tract conveyed to George A. Schwalm Sr. and wife be deed recorded in Book 3449, Page 213 of the St. Louis County Records, distant North 89 degrees 58 feet West 430.0 feet from the Southeast corner of tract so conveyed in the center line of Wilson Avenue 40 feet wide; thence along the South line of said tract 89 degrees 58 feet West 430.0 feet to an iron pipe; thence North 1009 1/2 East 303.97 feet; thence South 89 degrees 58 feet East 430.0 feet and thence South 1 degrees 09 1/2 feet West 303.97 feet to the place of beginning containing 3.00 acres, subject to easement for ingress and egress over the North 15 feet of said tract, together with an easement for ingress and egress over a strip of land 30 feet wide, the center line of which is described as beginning at the Northwest corner of above described 3.00 acres tract, thence South 89 degrees 58 feet East 860.0 feet to the center line of Wilson Avenue 40 feet wide.

1661 Wilson Street  
Pulaski Bank  
SI/Clarkson

(2) 35

### Easement Deed

This Deed Made and entered into this Twentieth day of June Nineteen hundred and Sixty-two, by and between

GEORGE A. SCHWALM JR., and PATRICIA E. SCHWALM, his wife

of the County of St. Louis State of Missouri parties of the first part, and

WILLIAM G. SCHWALM AND BRENDA V. SCHWALM, his wife

of the County of St. Louis State of Missouri parties of the second part,

Witnesseth, that the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) paid by the said parties of the second part, the receipt of which is hereby acknowledged, do these presents Grant unto the said part two of the second part,

An Easement for the following purposes:

Ingress and egress

over the following described Real Estate, situated in the County of St. Louis and State of Missouri, to-wit:

A strip of land 50 feet wide, the center line of which is described as beginning at the Northwest corner of property conveyed to WILLIAM G. SCHWALM AND BRENDA V. SCHWALM, his wife by instrument filed March 21, 1962 as Daily # 207 of the St. Louis County records, thence South 89 degrees 58 minutes East 860.0 feet to the center line of Wilson Avenue, 40 feet wide

State of Missouri )  
County of St. Louis ) ss  
FILED FOR RECORD  
JUN 21 1962  
Attest: Uelock, P. M.  
John L. Cook  
Recorder of Deeds

219

To Have and to Hold the said Easement, together with all rights and appurtenances to the same belonging, unto the said part two of the second part, and to their

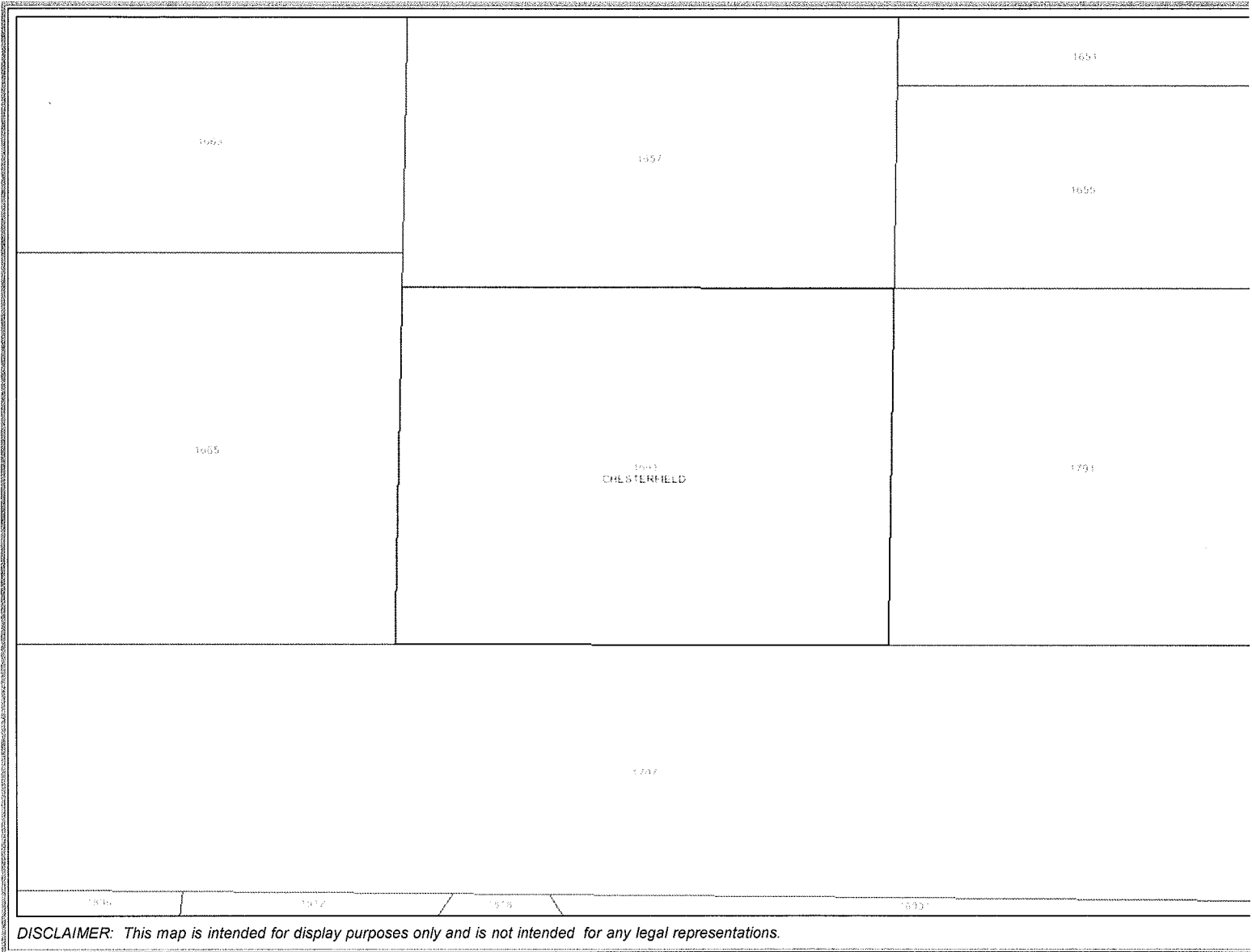
heirs and assigns forever,

In Witness Whereof, the said parties of the first part have executed these presents the day and year first above written.

*George A. Schwalm Jr.*  
*Patricia E. Schwalm*

Box 4844 PAGE 507

# St. Louis County Property Data Search



**DISCLAIMER:** This map is intended for display purposes only and is not intended for any legal representations.

[\[Click here to Print\]](#)  
For best results set the print page orientation to **Landscape**.



# 1701 WILSON ROAD

A TRACT OF LAND IN THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 16, IN TOWNSHIP 45 NORTH - RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI

## TREE STAND DELINEATION PLAN

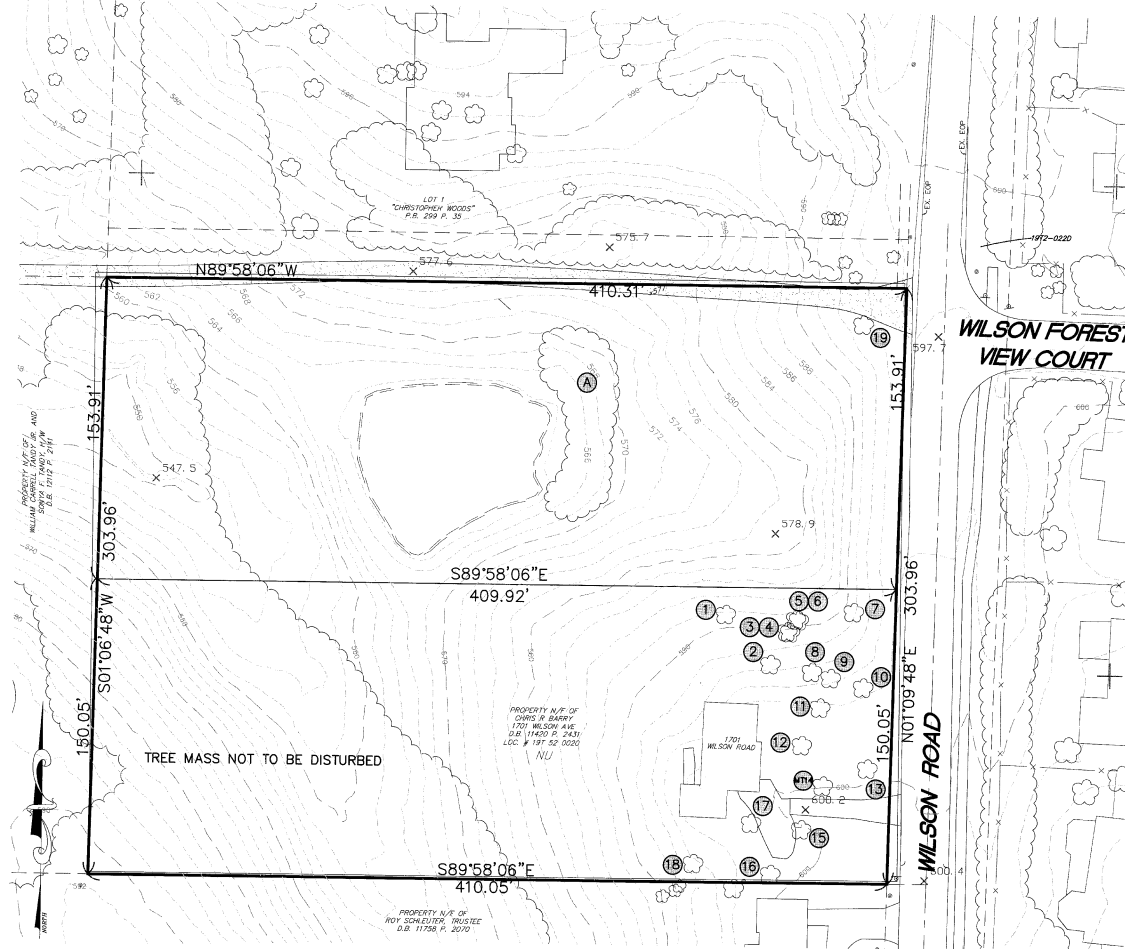
TREE #	SPECIES	DBH (INCHES)	HEALTH	CANOPY	ROOTS	VALUE TO SITE	COMMENTS
1	Tulip Poplar	24"	Poor	Fair	Fair	Fair	-
2	Black Walnut	12"	Poor	Fair	Fair	Fair	-
3	Com. Persimmon	12"	Poor	Poor	Fair	Poor	-
4	Com. Persimmon	12"	Poor	Poor	Fair	Poor	-
5	Com. Persimmon	24"	Poor	Poor	Fair	Poor	-
6	Persimmon	< 5"	-	-	-	-	-
7	Mimosa	< 5"	-	-	-	-	-
8	Persimmon	< 5"	-	-	-	-	-
9	Catalpa	12"	Poor	Poor	Fair	Poor	-
10	E. Red Cedar	18"	Poor	Poor	Fair	Poor	-
11	Dogwood	< 5"	Fair	Fair	Fair	Poor	-
12	Saucer Magnolia	multi. avg. 5"	Fair	Fair	Fair	Fair	-
13	Sugar Maple	14"	Poor	Poor	Poor	Poor	Hazard
14	Catalpa	27"	Fair	Fair	Fair	Fair	Monarch
15	Sweetgum	20"	Fair	Good	Fair	Fair	-
16	Mimosa	< 5"	-	-	-	-	-
17	American Holly	multi. 6" & 7"	Poor	Poor	Fair	Poor	-
18	Box Elder	11"	Poor	Poor	Poor	Poor	-
19	White Pine	10"	Good	Good	Good	Good	-
A	Undesirable Species Mix	multi.	Poor	Poor	Poor	Poor	Woodland Area (approx. 3,326 s.f.)

### PROJECT INFORMATION

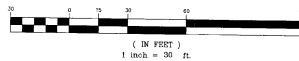
- |                      |                         |
|----------------------|-------------------------|
| 1. AREA OF TRACT:    | 2.86 ACRES              |
| 2. OWNER:            | CHRIS BARRY             |
| 3. NET AREA:         | 2.86 ACRES              |
| 4. EXISTING ZONING:  | NU                      |
| 5. REQUESTED ZONING: | E-1                     |
| 6. SCHOOL DISTRICT:  | ROCKWOOD R-6            |
| 7. FIRE DISTRICT:    | MONARCH                 |
| 8. WATER COMPANY:    | MISSOURI AMERICAN WATER |
| 9. SEWER DISTRICT:   | M.S.D.                  |
| 10. ELECTRIC:        | AMEREN                  |
| 11. PHONE:           | SBC                     |
| 12. CABLE:           | CHARTER                 |

### LEGEND

- INDIVIDUAL TREE
- MONARCH TREE
- WOODLAND AREA



GRAPHIC SCALE



TREE STAND DELINEATION PREPARED BY:



BRYAN DAVIDSON - ISA CERTIFIED ARBORIST

GAMMA SHIELD SHADE TREE  
P.O. BOX 16103  
CLAYTON, MISSOURI 63105  
PHONE: 314-725-6159

PREPARED FOR:  
BARRY HOMES  
1701 WILSON ROAD  
CHESTERFIELD, MO 63005  
(636) 532-7002

P-272A9-00 MAP-19T2

Comments:

Engineered By:  
**DOERING ENGINEERING**  
INC.  
CIVIL ENGINEERING • PLANNING • SURVEYING

4820 Lenoir Street, Suite 200  
St. Louis, Missouri, 63129  
Phone: (314) 862-8822  
E-Mail: www.doeringeng.com

Seal

Professional Engineer  
Noel A. Doering  
No. 000000000  
08/09/07

1701 WILSON ROAD  
Tree Stand Delineation Plan

Order: 04/12/07  
Order Number: 03991  
File Name: 03991.dwg  
Drawn: B. W. A. Sheet:  
Checked: B. W. A.  
Plot Date: 12/17/07  
Page: 2  
272A9-00