

Memorandum Department of Planning and Public Works



TO: Planning and Public Works Committee

FROM: Kristian Corbin, Project Planner

DATE: 11.18.2010

RE: P.Z. 08-2010 17531 Wild Horse Creek Road (Larry Mintz): A request for a change of zoning from a "PC" Planned Commercial District to an "E-1" One Acre Estate District for a 1.47 acre tract of land located at 17531 Wild Horse Creek Road (18V610106).

Summary

Larry Mintz requests a change of zoning from "PC" Planned Commercial to an "E-1" One Acre Estate District for a 1.47 acre tract of land located at 17531 Wild Horse Creek Road. The purpose of the application is to change the zoning of the subject site to be used as a residence. The current structures on the subject site include a brick ranch style house, a shed, and a garage.

The "E-1" One Acre Estate District is one of the City of Chesterfield's "straight zoning" districts. As with all straight zoning districts, this proposal does not require a Preliminary Plan and Attachment A. Any future improvements to the subject site will be developed directly from the requirements of the "E-1" One Acre Estate District section of the City of Chesterfield Zoning Ordinance with no modification or exceptions.

The proposal to change the zoning to an "E-1" One Acre Estate District and use the property as a residence is not compatible with the Comprehensive Plan Land Use Plan of Neighborhood Office however; Staff finds the proposal to be consistent with the surrounding land uses of low density residential and the intended design for this section of Wild Horse Creek Road. The Comprehensive Plan Land Use Plan compatibility for the proposal was discussed during the Vote Meeting on November 8, 2010. As stated in the Vote Report, Staff finds that the proposal will not adversely affect land use patterns for the area and has no issues with the request.

At the November 8, 2010 meeting of the Planning Commission, a recommendation for approval of the above referenced matter was approved by a vote of 7-0.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Kristian Corbin". The signature is written in a cursive, slightly slanted style.

Kristian Corbin
Project Planner

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



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Planning Commission Staff Report

Subject: Change of Zoning Vote Report

Meeting Date: November 8, 2010

From: Kristian Corbin, Project Planner

Location: 17531 Wild Horse Creek Road (18V610106).

Petition: P.Z. 08-2010 17531 Wild Horse Creek Road (Larry Mintz)

Proposal Summary

Larry Mintz requests a change of zoning from “PC” Planned Commercial to an “E-1” One Acre Estate District for a 1.47 acre tract of land located at 17531 Wild Horse Creek Road. The purpose of the application is to change the zoning for the subject site to allow for the existing structure to be used as a residence. The current structures on the subject site include a brick ranch style house, a shed, and a garage.

Department Input

The request meets all of the development requirements of the City of Chesterfield “E-1” One Acre District. The proposal for the change of zoning of the subject site to “E-1” One Acre Estate District does not meet the Comprehensive Plan Land Use Plan however, the proposal for single family land use is consistent with the surrounding land use and zoning. Further analysis of the Comprehensive Plan will appear later in this report.

The “E-1” One Acre Estate District is one of the City of Chesterfield’s “straight zoning” districts. As with all “straight zoning” districts, this proposal does not require a Preliminary Plan and Attachment A. Only an Outboundary Survey is required to be submitted for reference purposes.

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 a golf course part of the Landings at Spirit Golf Course subdivision. The property is currently zoned “M3” Planned Industrial District.
- South: The property to the south of the subject site is an undeveloped parcel not part of a subdivision. It is currently zoned “NU” Non-Urban District.
- East: The property to the east of the subject site is an undeveloped parcel of land part of the Wildhorse Bluffs Subdivision. It is currently zoned “NU” Non-Urban District.
- West: The property to the west of the subject site is a single family detached residence not part of a subdivision. It is currently zoned “NU” Non-Urban District.



View looking north into the site from Wild Horse Creek Road



View looking northeast into the site from Wild Horse Creek Road



View looking northwest into the site from Wild Horse Creek Road

Site Area History

The existing structure on the site is a 1512 square foot brick ranch style home constructed in 1961. The subject site was zoned “NU” Non-Urban District prior to the incorporation of the City of Chesterfield. The most recent zoning change occurred in October of 2006 with the subject site rezoned from “NU” Non-Urban District to “PC” Planned Commercial District via City of Chesterfield Ordinance 2303. The corresponding Site Development Plan was recorded in July of 2007.

The subject site is located in the area known as the Wild Horse Creek Road Sub Area. This area is bounded by bluffs to the north, Wild Horse Creek Road to the south, Long Road to the east, and Gateway Academy Subdivision to the west making up a total area of 72.22 acres. In December of 2005, a study was conducted and policies were adopted into the City of Chesterfield’s Comprehensive Plan for the Wild Horse Creek Road Sub Area. Based on the study, in August of 2006 City of Chesterfield Ordinance 2286 was signed into legislation which created the “WH” Wild Horse Creek Road overlay district. The overlay district provided general and specific development criteria for all properties within the Wild Horse Creek Road Sub Area based on which land use they were located in.

It was determined that three (3) types of land uses, Neighborhood Office (Green), ½ acre Residential (Yellow) and 1 acre Residential (Orange) should occur within the sub area. Figure 1 displays the spatial relationship of the land use for the Wild Horse Creek Road Sub Area with the subject site outlined in red.



Figure 1

Referring back to Figure 1 above, the subject site is located in the Neighborhood Office Land Use. The airport is located north of the Wild Horse Creek Road Sub Area in the Chesterfield Valley. Within the Neighborhood Office, it was determined that the appropriate uses would be Dental Offices, Medical Offices (excluding surgical) and General Offices.

Neighborhood Office use derived from concerns that were raised about airport noise and noise sensitive development in such close proximity to the Spirit of St. Louis Airport. A 1,920 foot setback was created based on the location of homes constructed in the Tara Estates Subdivision located west of the subject site. The reason for selecting this subdivision to establish the setback was that it was the most recent residential development prior to the creation of the overlay district. A recommendation was made that all development within said setback should be developed as Neighborhood Office. The subject site is located within the 1,920 setback from the airport runway.

Noise concerns from the airport were not a new concern by the time the Wild Horse Creek Sub Area study was conducted. In March of 1999, City of Chesterfield Ordinance 1503 was created to require all prospective buyers and tenants of any residential property in the City of Chesterfield to be informed of potential airport noise from the Spirit of St. Louis Airport.

Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. As mentioned earlier, appropriate uses for Neighborhood Office set forth in the policies for the Wild Horse Creek Road overlay district would be low density office development such as Dental Offices, Medical Offices (excluding surgical) and General Offices. Figure 2 is a portion from the City of Chesterfield Comprehensive Plan Land Use map with the subject site outlined in red. With the exception of the Neighborhood Office Land Use delineation indicated in light orange, the vast majority of the area on top of the bluffs within and

adjacent to the Wild Horse Creek Road Sub Area is planned for single family use development.

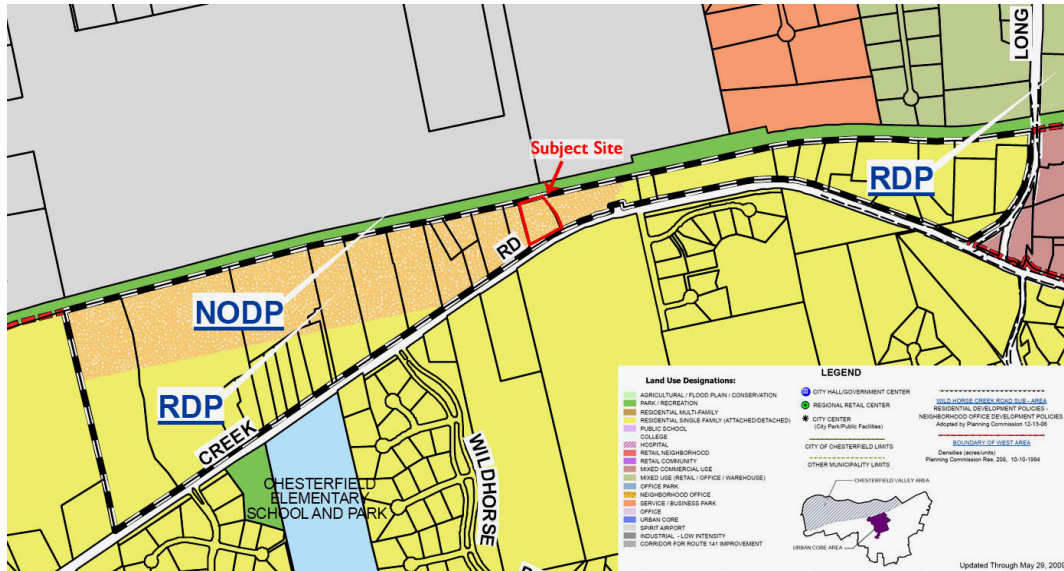


Figure 2

Although the proposal does not fit the Comprehensive Plan Land Use Plan of Neighborhood Office, allowing the use of the site as residential would be consistent with surrounding land uses and the intended design for this section of Wild Horse Creek Road. These existing land uses surrounding the subject site are single family detached residential development. Additionally, the subject site does not use the Wild Horse Creek Road overlay district. The petition for the ordinance currently governing the site to be rezoned from “NU” Non-Urban District to “PC” Planned Commercial District was submitted prior to the Wild Horse Creek Road overlay district being signed into legislation.

The concept of Neighborhood Office has yet to gain momentum in the Wild Horse Creek Road Sub Area. During the October 11, 2010 Public Hearing, the petitioner stated that the intent behind the site’s current zoning of “PC” Planned Commercial District was to use the site as a small office but, the plans have not come to fruition. The subject site has not been utilized since 2006 when the zoning was changed from “NU” Non-Urban District to “PC” Planned Commercial District for office use.

Figure 3 is an aerial view of the subject site showing the relationship between the Comprehensive Plan to the existing uses in addition to how the subject site relates to the surrounding built environment. Single family detached structures currently exist to the west (Figure 4) and to the southeast of the subject site. The Windridge Estates Subdivision, which is also a single family use development (Figure 5), is to the southeast of the subject site. To the southwest of the site is a church.



Figure 3



Figure 4



Figure 5

Adjacent to the south of the subject site is undeveloped land (Figure 6) which has a Comprehensive Plan Land Use as Residential Single Family (Attached/Detached).



Figure 6

Currently, development patterns for properties adjacent to the Wild Horse Creek Road Sub Area are consistent with the Comprehensive Plan Land Use. As for properties with an identical Comprehensive Plan Land Use as the subject site (Neighborhood Office), many of them are currently single family uses.

Issues

A Public Hearing and Issues Meeting were held before Planning Commission on October 11, 2010. During that meeting, an issue was identified by Staff. This issue was the proposal's consistency with the Comprehensive Plan.

After review of the proposal against the Comprehensive Plan, Staff found that although the proposal is not consistent with the Comprehensive Plan, it is consistent with the surrounding uses. Developments adjacent to the subject site are currently zoned "NU" Non-Urban District which does not permit office use. Any proposal for office development would require a zoning map amendment and similar considerations that this petition had such as surrounding land uses and Comprehensive Plan Land Use consistency. These surrounding land uses are low density residential which match the proposal. Additionally, the undeveloped land to the south of the site has a Comprehensive Plan Land Use designation to develop as Residential Single Family.

During the Public Hearing for this petition on October 11, 2010, there were no speakers in opposition to the proposal.

Staff finds that the proposal will not adversely affect land use patterns for the area. Staff has no outstanding issues on this request for a change in zoning.

Request

Staff has reviewed the change of zoning request and it meets all of the development requirements for the City of Chesterfield "E-1" One Acre Estate District. Staff requests action on P.Z. 08-2010 17531 Wild Horse Creek Road (Larry Mintz).

Attachments: Outbounday Survey

ADJUSTED PARCEL 1 OF THE PROPERTY BOUNDARY SURVEY OF A TRACT OF LAND BEING PART OF LOT 21 R. H. STEVENS FARM T 45 N, R 3 E, OF THE 5TH P.M. ST. LOUIS CO., MISSOURI

DESCRIPTION: ADJUSTED PARCEL 1 P.B. 353 P. 955
A TRACT OF LAND BEING PART OF U.S. SURVEY NO. 150, TOWNSHIP 45 NORTH,
RANGE 3 EAST OF THE 5th P.M., ST. LOUIS COUNTY, MISSOURI AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF THE
CHICAGO, ROCK ISLAND RAILROAD WITH THE EAST LINE OF U.S. SURVEY NO. 150;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY S77°05'00"W 755.79 FEET TO A SET
IRON ROD AT THE POINT OF BEGINNING OF THE TRACT OF LAND DESCRIBED
HEREIN; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S47°49'24"E 139.17 FEET
TO A SET IRON ROD; THENCE S19°44'19"E 174.03 FEET TO A SET IRON ROD ON
THE NORTH RIGHT-OF-WAY OF WILD HORSE CREEK ROAD 60 FEET WIDE; THENCE
ALONG SAID RIGHT-OF-WAY ALONG A CURVE DEFLECTING TO THE LEFT HAVING
A RADIUS OF 1940.08 FEET AN ARC LENGTH OF 174.12 FEET TO A CHORD COURSE
S57°48'17"W 174.06 FEET; THENCE S 55°14'00"W 65.83 FEET; THENCE LEAVING
SAID RIGHT-OF-WAY N12°21'59"W 368.92 FEET TO THE SOUTH RIGHT-OF-WAY
OF THE CHICAGO, ROCK ISLAND RAILROAD; THENCE ALONG SAID SOUTH RIGHT-
OF-WAY N77°05'00"E 121.55 FEET TO THE POINT OF BEGINNING, CONTAINING
1.47 ACRES, MORE OR LESS.

ST. LOUIS COUNTY BENCHMARK #11-1 ELEV=541.50'
"STANDARD TABLET" STAMPED 96-75 S.L.C. SET IN WEST END OF
NORTH HEADWALL OF SMALL DRAIN CROSSING ALONG WILD HORSE
CREEK ROAD; 0.4 MILE EAST OF THE CHESTERFIELD SCHOOL.

SITE BENCHMARK ELEV=541.50'
"STANDARD TABLET" STAMPED 96-75 S.L.C. SET IN WEST END OF
NORTH HEADWALL OF SMALL DRAIN CROSSING ALONG WILD HORSE
CREEK ROAD; 0.4 MILE EAST OF THE CHESTERFIELD SCHOOL.

NOTES: BEARING SYSTEM ADOPTED PER THE SOUTH LINE OF
CHICAGO, ROCK ISLAND RAILROAD(N77°05'E) PER SURVEY
BY R. DAN BOLES & CO. DATED APRIL 27, 1960.

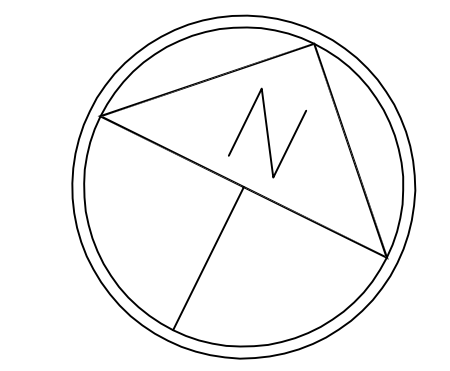
I HEREBY CERTIFY THAT THE ADJACENT DESCRIBED TRACT OF LAND WAS SURVEYED UNDER MY AUTHORITY
AND DIRECTION DURING MAY, 2006 AT THE ORDER OF AMERICAN WEST HOMES INC.
TO LOCATE THE BOUNDARY & TOPOGRAPHY AND THAT SAID SURVEY WAS
EXECUTED IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY
BOUNDARY SURVEYS AND MEETS THE ACCURACY STANDARDS FOR URBAN PROPERTY,
OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND
LAND SURVEY AND THE MISSOURI BOARD OF REGISTRATION FOR ARCHITECTS,
PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE
ARCHITECTS THAT THE RESULTS OF THE SURVEY, AND ALL VISIBLE ENCROACHMENTS AND THE
INSTRUMENTS REFERRED TO IN THE ADJACENT DESCRIPTION ON THIS TRACT, ARE CORRECTLY SHOWN
HEREON.

METRON Surveying Co.
14369 OLIVE BOULEVARD
CHESTERFIELD, MO. 63017
314-432-5400 FAX: 314-469-6167

WAYNE R. GOTTSCHALL L.S. - 886

BOUNDARY & TOPOGRAPHY SURVEY			
For: AMERICA WEST HOMES INC. 18102 C CHESTERFIELD AIRPORT RD. CHESTERFIELD, MISSOURI 63005 TEL 636-537-1776			
REV.	DATE	DESCRIPTION	BY
	ORDER NO. 5118		
	DATE 5-09-06		
	DRAWN JEW		
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METRON Surveying Co. 14369 OLIVE BOULEVARD CHESTERFIELD, MO. 63017 314-432-5400 FAX: 314-469-6167		1 OF 1	

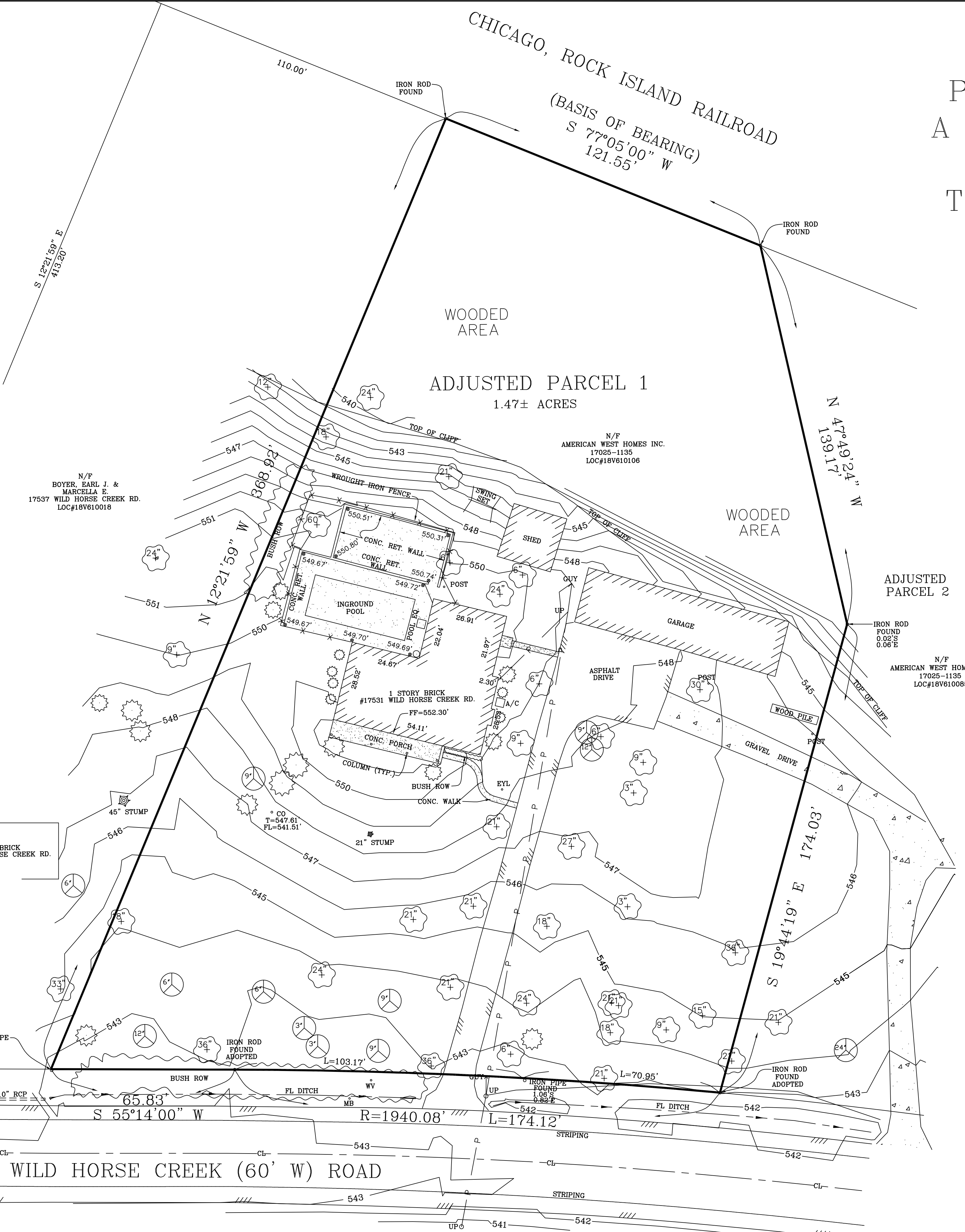
S.L.C. BM 11-1 & SITE BM
EL=541.50'



20 0 20
Scale 1" = 20 ft

LEGEND

- | | | |
|----------|---------|-----------------------|
| ASPH | DENDTES | ASPHALT |
| A/C | | AIR CONDITIONER |
| BUSH | | CHAINLINK FENCE |
| CL FE | | CLEAN DUT |
| CD | | CONCRETE |
| CONC. | | ELECTRIC YARD LIGHT |
| EYL | | FINISHED FLOOR |
| FF | | FLOWLINE |
| FL | | GUIDE WIRE |
| GUY | | IRON PIPE |
| IP | | IRON ROD |
| IR | | MAILBOX |
| MB | | MANHOLE |
| MH | | REPORTED |
| (R) | | RETAINING (WALL) |
| RET | | SEWER PIPE |
| (S) | | SURVEY |
| SVY | | TYPICAL |
| (typ) | | UNDERGROUND |
| UG | | 6" TREE |
| 6" TREE | | 12" PINE |
| 12" PINE | | WATER VALVE |
| WV | | UTILITY POLE |
| UP | | VENT PIPE |
| VP | | REPORTED |
| (R) | | SEWER VENT |
| SV | | GAS MAIN |
| GAS | | WATER MAIN |
| W | | TELEPHONE LINE |
| T | | POWER LINE |
| P | | CONCRETE |
| | | GRAVEL |
| | | EDGE OF ASPHALT PVMT. |
| | | SPOT ELEVATION |



ORDER NO. 5118
SCALE 1" = 20 FT
DATE 5-09-06
DRAWN JEW
CHECKED WRG
DATE 5-09-06