

Memorandum

Planning & Development Services Division



To: Planning and Public Works Committee

From: John Boyer, Senior Planner

Date: November 27, 2013

RE: **P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.):** A request for a zoning map amendment from "NU" Non-Urban District (3 acre) to "R-3" Residence (10,000 sqft lot min.) for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).

Summary

Brinkman Holdings, LLC has submitted a request for a zoning map amendment to rezone 17.0 acres for a proposed single-family planned unit development. Properties zoned Non-Urban District does not qualify for consideration of a "PUD" or Planned Unit Development zoning. As such, the petitioner is seeking a change of zoning from "NU" District to "R-3" District to establish the required density prior to seeking a Planned Unit Development or "PUD".

A Public Hearing relative to this petition was held at the August 12, 2013 Planning Commission meeting. Issues were identified at that time in addition to items discussed at the October 14, 2013 Issues Meeting. A majority of the items discussed were relative to the Preliminary Plan which is associated with the PUD request with petition number P.Z. 10-2013. (Those issues are discussed in the Staff report for P.Z. 10-2013).

On November 25, 2013, the Planning Commission recommended approval of the change of zoning to "R-3" District by a vote of 5-2. As the "R-3" District is not a planned district, there is no preliminary plan or Attachment A associated with this request. Any development activities in an "R-3" District must meet all City Code requirements with no modification, exception or variance.

Attached is a copy of the outboundary survey and Planning Commission Vote report associated with this request.

Respectfully submitted,

John Boyer
Senior Planner

Attachments

1. Staff Report
2. Out Boundary Survey



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Vote Report

Subject: Change of Zoning Vote Report

Meeting Date: November 25, 2013

From: John Boyer, Senior Planner

Location: Northwest of the intersection of Clayton Rd. and Schoettler Rd.

Petition: **P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.)**

Proposal Summary

Brinkman Holdings, LLC has submitted a request for a zoning map amendment to rezone 17.0 acres for a proposed single-family residential development. The Petitioner is proposing to rezone from NU Non-Urban District to R-3 Residence District via application P.Z. 09-2013 and then rezone the entire tract to PUD Planned Unit Development under application P.Z. 10-2013. Since a property cannot be rezoned to PUD from NU, the purpose of rezoning the tract from NU to R-3 is to fulfill a requirement of the City Code and to establish the overall density for the proposed PUD.

Application P.Z. 09-2013 is requesting a change to R-3 District, which has a minimum lot size requirement of 10,000 sqft. The Residence Districts are not planned districts, therefore no Preliminary Plan is required nor is an Attachment A prepared. A rezoning to a “straight” district, or non-planned development, does not require any additional conditions or development standards since approval would require strict compliance with all standards and requirements already established in the City Code. These requests also do not allow for any modification, variance or exceptions from existing, established code requirements.

While two applications are up for City review, a separate application, review and vote is required for each application. This report will focus on the zoning map amendment request associated with P.Z. 09-2013 only.

Site History

The subject property was zoned NU by St. Louis County prior to the incorporation of the City of Chesterfield. The subject property includes a single-family residence on the eastern half, with the western section containing the 1st Missionary Baptist Church of Ballwin cemetery (purchased in 1890). The remainder of the property is currently vacant but densely vegetated.

Surrounding Land Uses

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

North: The land uses of the properties to the north are single family residential within the Westerly Place subdivision which is zoned R1A/PEU Residence District with a Planned Environmental Unit.

South: The properties to the south are single-family attached dwellings within the Gascony subdivision which is zoned R-3/PEU Residence District with a Planned Environmental Unit and a commercial shopping area within the City of Ballwin, zoned C-1 Commercial with a Neighborhood Commercial Overlay.

East: Properties east of the site have a land use of single family residential within the Amberleigh subdivision which is zoned R-3/PEU Residence District with a Planned Environmental Unit.

West: The property to the west is St. Louis Retirement development containing multi-family uses zoned R-1 Residence District with a Conditional Use Permit (CUP).

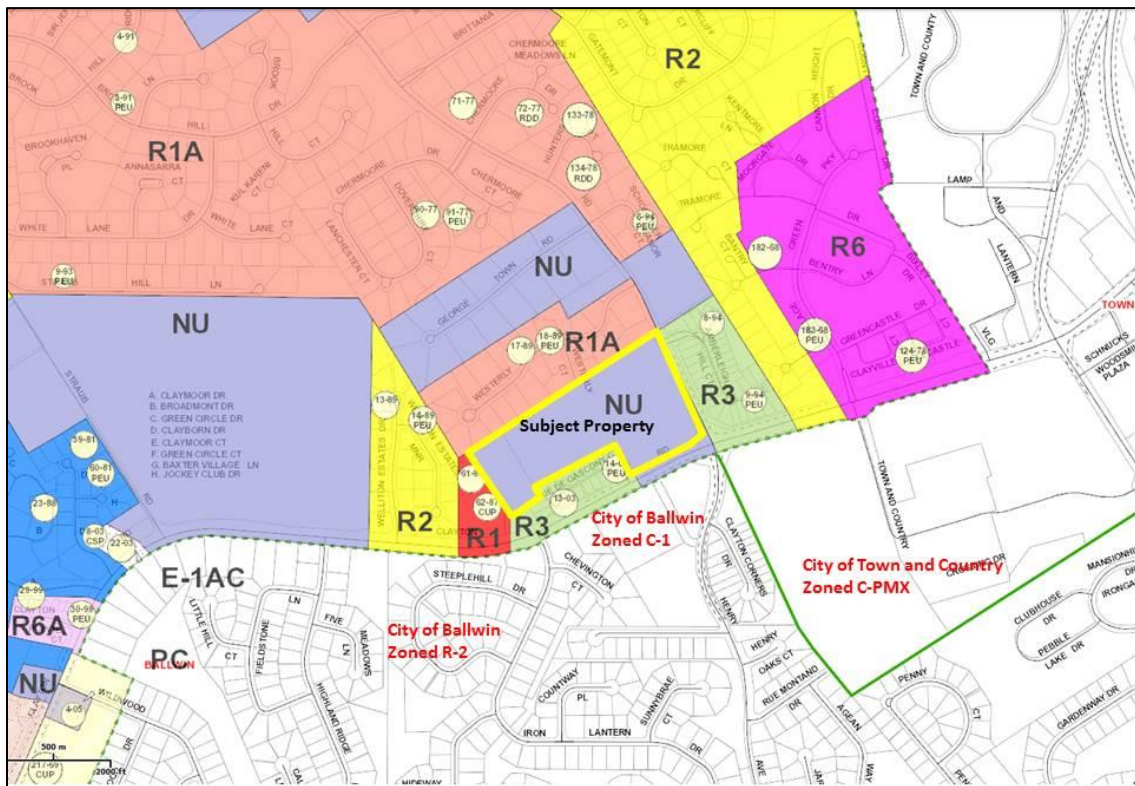


Figure 1: Area Zoning

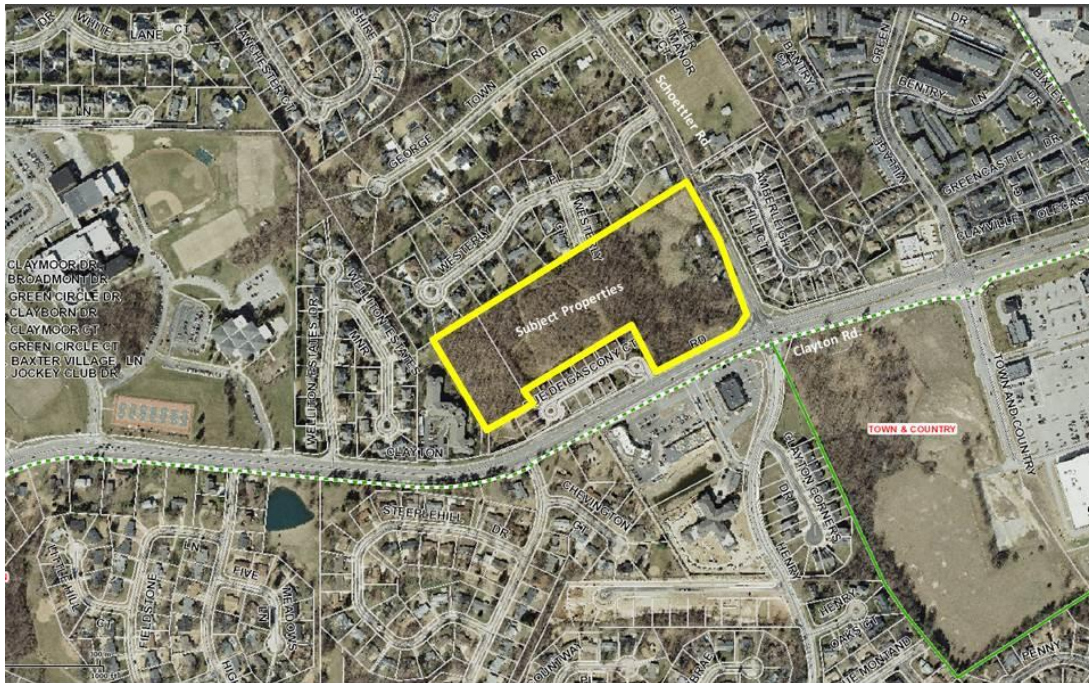


Figure 2: Site Location



Figure 3: Cemetery



Figure 4: Site from Clayton Rd.



Figure 5: Schoettler Rd. across proposed entrance

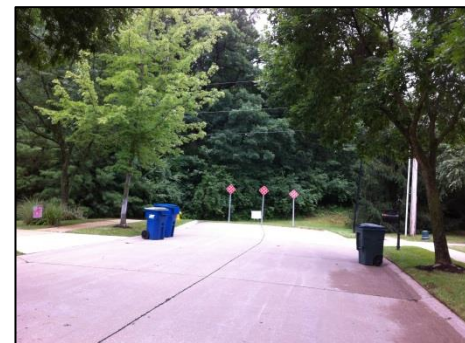


Figure 6: Westerly Ct.

Comprehensive Plan Analysis

The subject site is located within Ward 3 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates these parcels are within the Residential Single-Family district. Proposed uses and density of the R-3 District would be compliant with the Land Use Plan. 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.

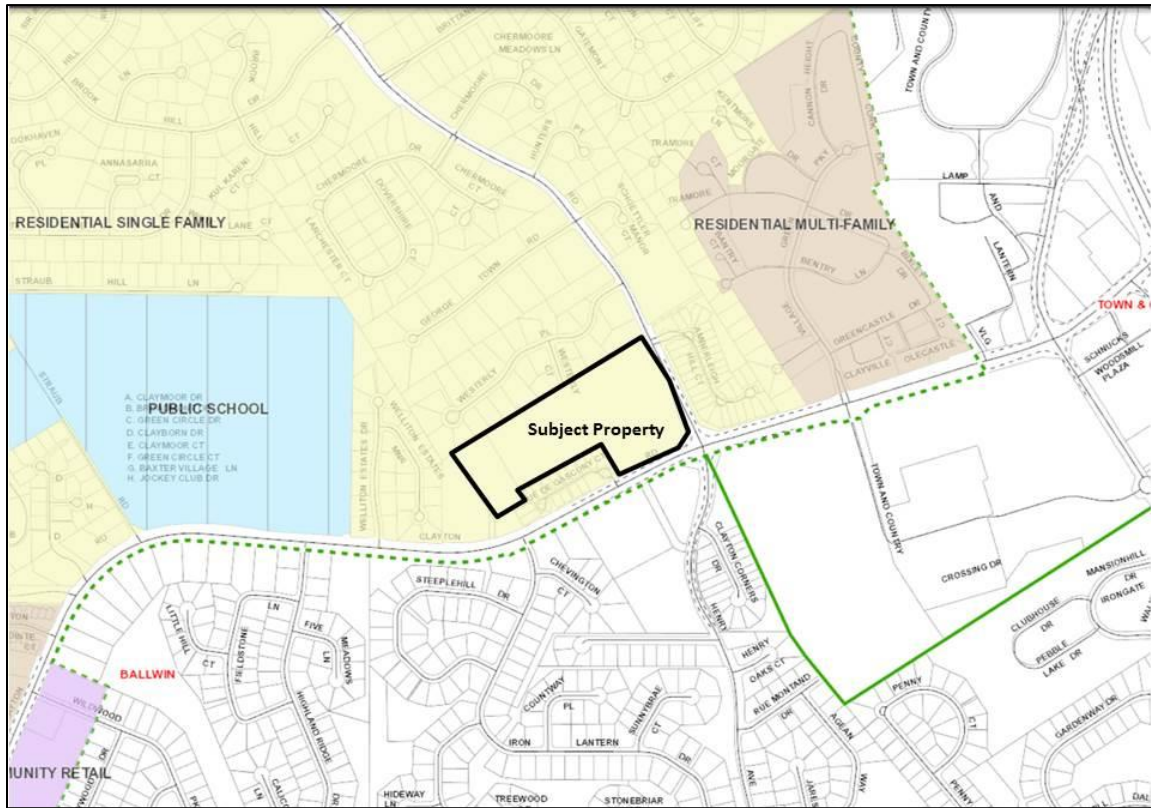


Figure 7: Comprehensive Land Use Plan

Analysis

The rezoning of this property from the existing NU District to R-3 District via application P.Z. 09-2013 would establish the density requirement of 10,000 square foot minimum lot size for the PUD process associated with petition P.Z. 10-2013. However, since a separate vote is required for each application, the appropriateness of the R-3 District should be evaluated on its own merit. It is important to note that an R-3 District without the PUD designation as presented would allow 4.35 units per acre density, which exceeds the adjacent developments except for the St. Louis Retirement development. While this density represents 10,000 square foot lots over a tract, or 74 lots, the density does not represent actual buildable area after right-of-way and storm-water detention is placed within a development as well as accommodating the area for the existing cemetery on the western section of the subject property. Actual density would be less than 4.35 units per acre after placement of these required facilities.

Similar zoning districts and densities are present in the vicinity (see Zoning Map and Density Comparison in Table 1 on page 5). Table 1 identifies development figures for the adjacent development and the hypothetical development of Schoettler Grove as approved only as an R-3 District. As identified in the below table and discussed earlier in the Analysis Section on page 4, it is unclear what ultimate build out of this property would be under the R-3 District designation (up to 74 lots) but would be safe to assume less than the 4.35 units per acre allowed by an R-3 District.

Table 1: Adjacent Development Figures

Development	Lots	Acres	Density (units/acre)
Westerly Place	25	15.67	1.59
Gascony	14	3.7	3.78
St. Louis Retirement	90	8.0	31.03
Amberleigh	33	8.0	4.13
Schoettler Grove (R-3)	Unknown	17.0	4.35

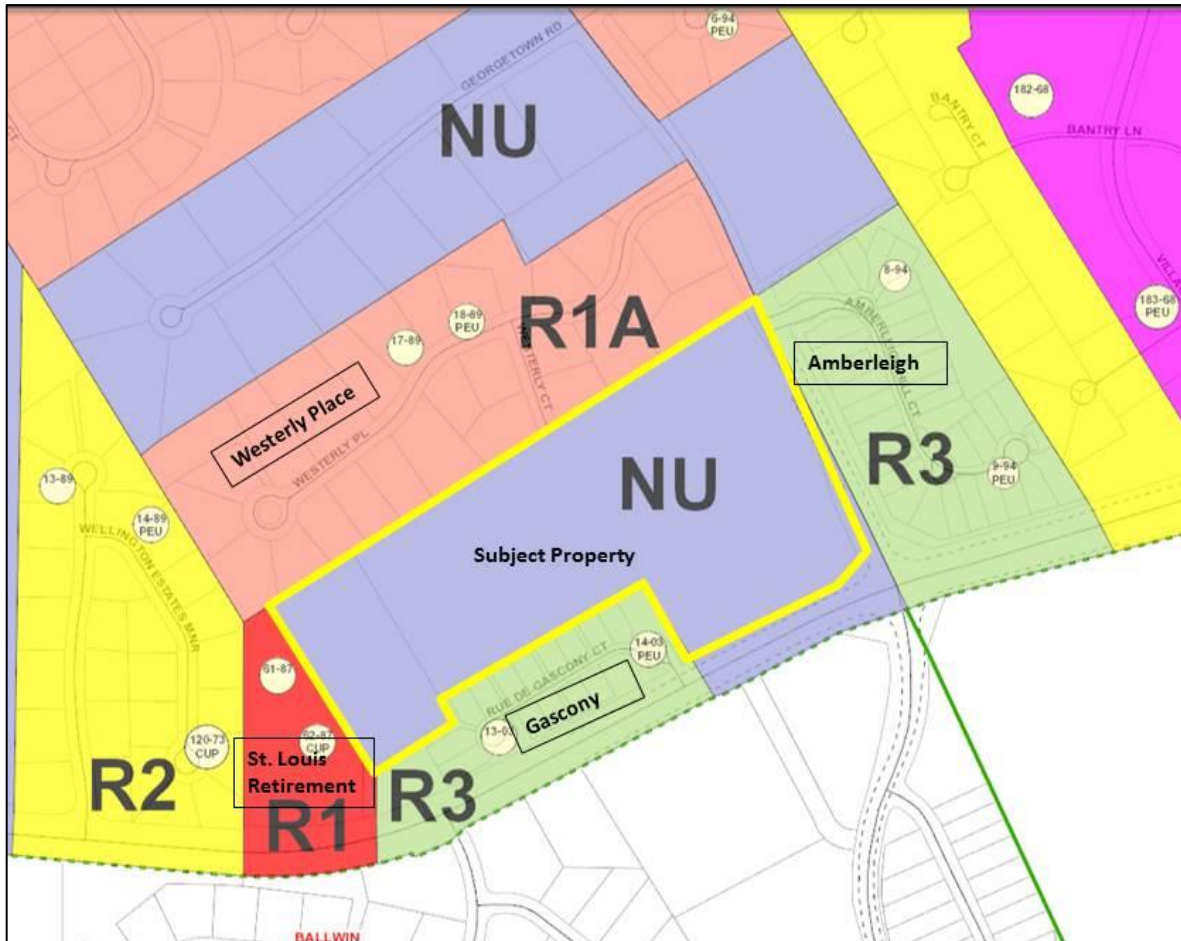


Figure 8: Adjacent Subdivisions/Zoning Map

A Public Hearing relative to this petition was held at the August 12, 2013 Planning Commission meeting. Issues were identified at that time in addition to items discussed at the October 14, 2013 Issues Meeting. A majority of the items discussed were relative to the Preliminary Plan which is associated with the PUD request with petition number P.Z. 10-2013; however, density issues were discussed associated with this proposed petition as the appropriateness at this location.

Request

Staff has reviewed the requested zoning map amendment by the applicant from NU Non-Urban District to R-3 District (P.Z. 09-2013). The request for a zoning map amendment to R-3 District meets all filling requirements and procedures of the City of Chesterfield. As discussed in the Analysis Section on page 4, proposed lots under the R-3 District would be high; however, due to required development standards (engineering improvements, right-of-way dedication, etc.) and the existing cemetery on-site, density would not approach total permitted build-out and densities more than likely would be comparable to adjacent development to the south and east. Staff requests action on P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.).

Respectfully Submitted,



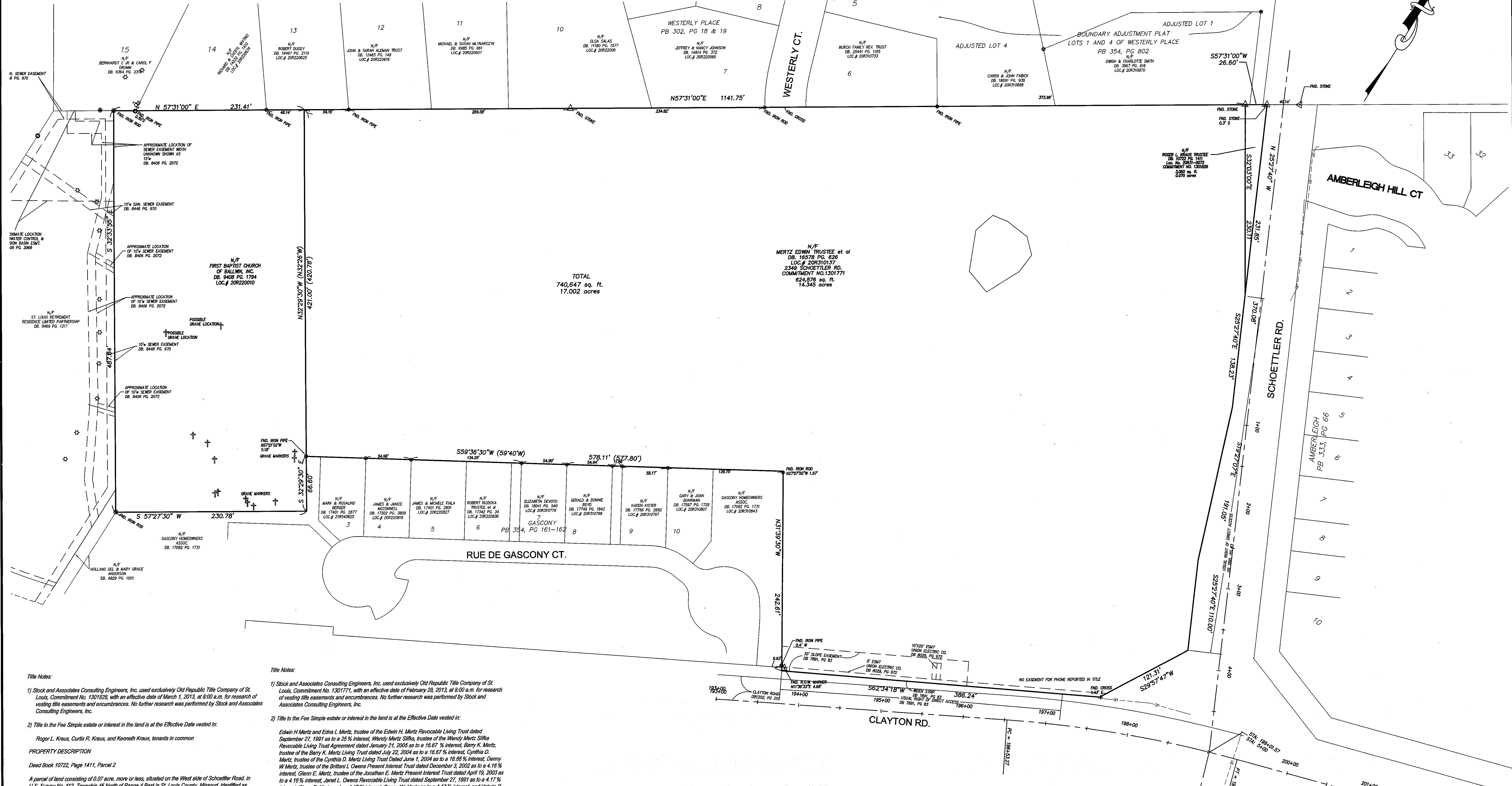
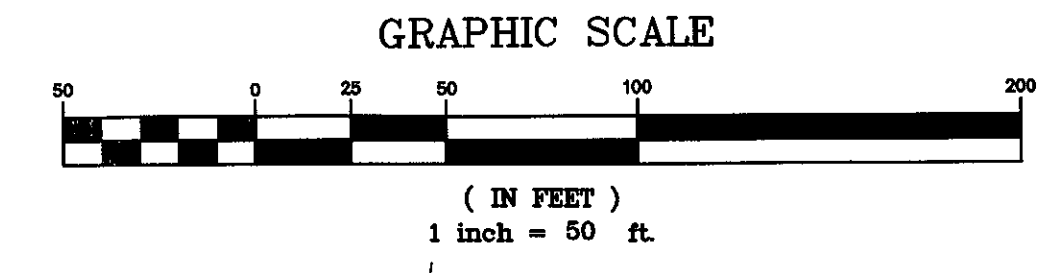
John Boyer,
Senior Planner

Attachments:

1. Out-Boundary Survey

PROPERTY BOUNDARY EXHIBIT

A TRACT OF LAND BEING PART OF FRACTIONAL SECTION 24
TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



TOTAL
740,647 sq. ft.
17.002 acres

N/F
MERTZ EDWIN TRUSTEE et al
DB. 16578 P.C. 426
LOC. # 20R310137
2349 SCHOETTLETT RD.
COMMITMENT NO. 1301771
624,876 sq. ft.
14.345 acres

Title Notes:

- Stock and Associates Consulting Engineers, Inc. used exclusively Old Republic Title Company of St. Louis, Commitment No. 1301771, with an effective date of February 28, 2013, at 8:00 a.m. for research of existing title encumbrances and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.
- Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Roger L. Kraus, Curtis R. Kraus, and Kenneth Kraus, tenants in common

PROPERTY DESCRIPTION

Deed Book 10722, Page 1411, Parcel 2

A parcel of land consisting of 0.07 acre, more or less, situated on the West side of Schoettler Road, in U.S. Survey No. 412, Township 45 North of Range 4 East in St. Louis County, Missouri, identified as Locator No. 20R310137 in the St. Louis County Assessor's Office.

GENERAL NOTES:

- Subject property lies within Flood Zone "A" (area determined to be outside the 500-year flood), according to the National Flood Insurance Program Flood Insurance Rate Map for St. Louis County, Missouri and Incorporated Areas. The Maps are identified as Map 29189C0157 H with an effective date of August 2, 1995.
- Present Zoning: "NU" Non-Urban
- Setback Requirements:
Front Yard: 55 feet
Side Yard: 20 feet
Rear Yard: 20 feet
- Basis of Bearings is the North line of the tract of land described in the deed recorded in Deed Book 16578, Page 626.

Title Notes:

- Stock and Associates Consulting Engineers, Inc. used exclusively Old Republic Title Company of St. Louis, Commitment No. 1301771, with an effective date of February 28, 2013, at 8:00 a.m. for research of existing title encumbrances and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.
- Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Edwin H. Mertz and Edna L. Mertz, trustee of the Edwin H. Mertz Revocable Living Trust dated September 27, 1991 as to a 25% interest, Wendy Mertz Silfka, trustee of the Wendy Mertz Silfka Revocable Living Trust Agreement dated January 21, 2005 as to a 16.67% interest, Barry K. Mertz, trustee of the Barry K. Mertz Living Trust dated July 22, 2004 as to a 16.67% interest, Cynthia D. Mertz, trustee of the Cynthia D. Mertz Living Trust dated June 1, 2004 as to a 16.66% interest, Danny W. Mertz, trustee of the Danny W. Mertz Present Interest Trust dated December 3, 2002 as to a 4.16% interest, Glenn E. Mertz, trustee of the Jonathan E. Mertz Present Interest Trust dated April 18, 2003 as to a 4.16% interest, Janet L. Owens Revocable Living Trust dated September 27, 1991 as to a 4.17% interest, Glenn E. Mertz as to a 4.17% interest, Danny W. Mertz as to a 4.17% interest, and Valerie B. Mertz as to a 4.17% interest
- Title Commitment No. 1301771 with Schedule B-Section 2 exceptions:
 - Item 6. Easement to Leacode Gas Company recorded in Book 5126 Page 138. "NOT SHOWN" Does not affect the survey parcel.
 - Item 5. Subject to Easement to Union Electric Company recorded in Book 8029 Page 972. "SHOWN"
 - Item 7. Subject to Easement granted to State of Missouri recorded as Cause Number 529998, a copy of which is recorded in Book 7691 Page 63. "SHOWN"
 - Item 8. Establishment of Clayton Road according to the instrument recorded in Book 1194 Page 491 and Book 1302 Page 210. "SHOWN"

PROPERTY DESCRIPTION

A tract of land being Adjusted Lot 1 of the "Boundary Adjustment Plat of Lots 1 and 4 of Westerly Place" as recorded in Plat Book 354, Page 802 of the St. Louis County Records being a part of U.S. Survey 412 and part of Fractional Section 24 in Township 45 North, Range 4 East of the Fifth Principal Meridian in the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at a Stone in the Southern line of U.S. Survey 412, said point being the Northwest corner of a tract of land described in a deed book 10722, page 1411 of the St. Louis County records; thence along the Northern line of said tract North 57 degrees 31 minutes 00 seconds East, a distance of 26.60 feet to the Western line of Schoettler Road; thence along the Western line of Schoettler Road the following: thence South 25 degrees 27 minutes 40 seconds East, a distance of 570.08 feet to a point; thence South 19 degrees 27 minutes 07 seconds East, a distance of 191.05 feet to a point; thence South 25 degrees 27 minutes 40 seconds East, a distance of 110.00 feet to a point; thence South 29 degrees 57 minutes 47 seconds West, a distance of 121.31 feet to a point on the Northern line of Clayton Road; thence along said Northern line South 62 degrees 54 minutes 18 seconds West, a distance of 385.24 feet to a point; thence leaving said North line along the Eastern and Northern line of Gascony, a subdivision filed for record on Plat Book 354, Pages 161 and 162 of the St. Louis County Records the following: North 31 degrees 39 minutes 30 seconds West, a distance of 242.61 feet to a point; thence South 59 degrees 36 minutes 30 seconds West, a distance of 578.11 feet to a point on the Eastern line of a tract of land described in a deed to the First Baptist Church of Ballwin as recorded in Deed Book 9406 Page 1794 of the St. Louis County Records; thence along the Eastern line of said tract South 32 degrees 29 minutes 30 seconds East, a distance of 68.60 feet to the Southeast corner thereof; thence along the Southern line of said tract South 57 degrees 27 minutes 30 seconds West, a distance of 230.78 feet to the Southwest corner thereof; thence along the Western line of said tract North 32 degrees 33 minutes 55 seconds West, a distance of 487.84 feet to the Northwest corner thereof, said corner also being on the Southern line of Westerly Place, a subdivision filed for record in Plat Book 302, Pages 18 and 19 of said St. Louis County Records; thence along the Southern line of said Westerly Place and the Northern line of the aforesaid First Baptist Church tract North 57 degrees 31 minutes 00 seconds East, a distance of 231.41 feet to the Northeast corner of said First Baptist Church tract; thence continuing along the Southern line of Westerly Place, North 57 degrees 31 minutes 00 seconds East, a distance of 1141.75 feet to the Point of Beginning and containing 740,647 square feet or 17.002 acres more or less as per a survey by Stock & Associates Consulting Engineers, Inc. during the Month of April, 2013.

This Property Boundary Exhibit has been prepared from an actual Property Boundary Survey and record information and the results are shown hereon. The existing subdivision and parcels are as shown on this exhibit.

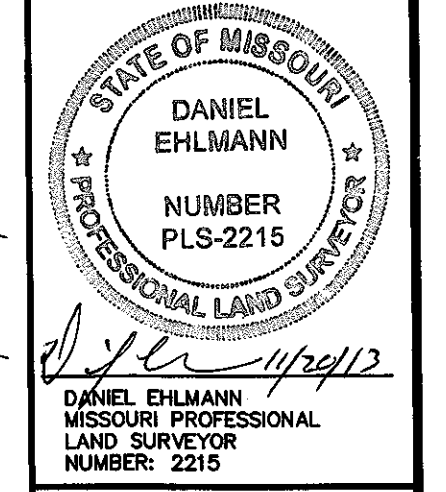
Stock & Associates Consulting Engineers, Inc.
LC No. 222-D
[Signature]
Daniel Ehlmann M.O. P.L.S. #2215

PREPARED FOR:
WB PROPERTIES, LLC
c/o BRINKMAN CONSTRUCTORS
16650 Chesterfield Grove Road, Suite 100
CHESTERFIELD, MO. 63005
PHONE: (314) 537-9700

ST. LOUIS COUNTY BENCHMARK
13-223 ELEV=646.21
STANDARD ALUMINUM DISK STAMPED SL-64 1992 DISK
IS AT NORTHWEST CORNER OF CLAYTON ROAD AND
CABINET DRIVE, 38' WEST OF THE CENTERLINE OF
CABINET DRIVE AND 19' NORTH OF THE NORTH EDGE OF
CLAYTON ROAD.

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
227 Chesterfield Business Parkway
Chesterfield, MO 63005
PH: (636) 530-9100
FAX: (636) 530-9130
e-mail: geninfo@stockeng.com
Web: www.stockeng.com

PRELIMINARY SITE PLANS FOR
2349 SCHOETTLETT ROAD
LOC. # 20R310137
CITY OF CHESTERFIELD, MISSOURI



REVISIONS:	
1	00/00/0000
2	

DRAWN BY: [Blank] CHECKED BY: [Blank]
DATE: 4/16/13 JOB NO: 213-5071
SHEET TITLE: PROPERTY BOUNDARY EXHIBIT
SHEET NO.: [Blank] SHEET 2