#### BILL NO.: <u>5013</u>

### Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE APPROVING THE AMENDED CONSOLIDATION OF ALL OF THE TRACT OF LAND, KNOWN AS THE BROWNLEIGH TRACT, IN BOUNDARY ADJUSTMENT / LOT CONSOLIDATION PLAT, RECORDED IN PLAT BOOK 372, PAGES 1-7, AND ALSO BEING LOCATED WITHIN A PORTION OF, "GREENLEIGH" SUBDIVISION AS RECORDED IN PLAT BOOK 56, PAGE 13, AND A TRACT OF LAND BEING SITUATED IN PART OF FRACTIONAL SECTION 9, AND U.S. SURVEY 101, TOWNSHIP 46 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BERKELEY, IN SAINT LOUIS COUNTY, MISSOURI

- WHEREAS, the City of St. Louis ("Owner") is the fee owner of all of the tract of land, known as the Brownleigh tract, in boundary adjustment /lot consolidation plat, recorded in plat book 372, pages 1-7, and also being located within a portion of, "Greenleigh" subdivision as recorded in plat book 56, page 13, and a tract of land being situated in part of fractional section 9, and U.S. survey 101, township 46 north, range 6 east of the 5th principal meridian, City of Berkeley, in Saint Louis County, Missouri; and;
- **WHEREAS,** the Owner has signed a lease with Boeing, Inc, who is building an aerospace manufacturing facility on this site; and;
- WHEREAS, the Owner and Boeing have negotiated an agreement for the consolidation of additional parcels adjacent to James S. McDonnell Boulevard, as shown on the 'amended boundary adjustment/ consolidation plat; and;
- **WHEREAS,** Boeing is unable to construct its proposed facility unless and until the property has clear title under a single parcel; and;
- WHEREAS, The City Council accepted the recommendation of the February 14, 2024 meeting of the City Plan Commission and approved the Amended Lot Consolidation all of the tract of land, known as the Brownleigh tract, in boundary adjustment /lot consolidation plat, recorded in plat book 372, pages 1-7, and also being located within a portion of, "Greenleigh" subdivision as recorded in plat book 56, page 13, and a tract of land being situated in part of fractional section 9, and U.S. survey 101, township 46 north, range 6 east of the 5th principal meridian, City of Berkeley, in Saint Louis County, Missouri.

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

**Section 1.** The Amended Lot Consolidation of all of the tract of land, known as the Brownleigh tract, in boundary adjustment /lot consolidation plat, recorded in plat book 372, pages 1-7, and also being located within a portion of, "Greenleigh" subdivision as recorded in plat book 56, page 13, and a tract of land being situated in part of fractional section 9, and U.S. survey 101, township 46 north, range 6 east of the 5th principal meridian, City of Berkeley, in Saint Louis County, Missouri, as prepared by David Mason & Associates, Project

number 2022212-00, meets all requirements and regulations, of the City of Berkeley Municipal Code and is approved for filing.

**Section 2.** This Ordinance shall be in full force and effect from and after the date of its passage.

| 1st Reading this <u>04<sup>th</sup> day of March 2024</u> |        |      |  |
|---|--------|------|--|
| 2nd Reading this <u>04<sup>th</sup> day of March 2024</u> |        |      |  |
| 3rd Reading, PASSED and APPROVED, this                    | day of | 2024 |  |

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Final Roll Call:

|  | Councilwoman Verges<br>Councilwoman Williams<br>Councilman Hoskins            | Aye Nay Absent Abstain<br>Aye Nay Absent Abstain<br>Aye Nay Absent Abstain |
|--|---|--|
| Approved as to Form:<br>Donnell Smith, City Attorney | Councilwoman Anthony<br>Councilman Hindeleh<br>Councilwoman-at-Large Crawford | Aye Nay Absent Abstain<br>Aye Nay Absent Abstain                           |
|  | Mayor Deinbo  | Aye Nay Absent Abstain<br>Aye Nay Absent Abstain                           |

### MEMORANDUM

**TO:** Mayor Deinbo and members of City Council

**FROM:** Nathan Mai-Lombardo, City Manager

SUBJECT: Case 24-07; Amendment to Brownleigh Tract Lot Consolidation

MEETING DATE: March 4, 2024

Applicant seeks to amend the lot consolidation of the Brownleigh Subdivision to include properties between Scudder Road and James S. McDonnell Boulevard

### **STAFF RECOMMENDATION: Approval**

### APPLICATION INFORMATION

| Applicant Information:            | Brian Stark<br>Boeing Inc.<br>Building 100, 6300 James S. McDonnell Drive<br>Berkeley, MO 63134                            |
|-----------------------------------|--|
| Status of Applicant:              | Lessee of property; owner is City of St. Louis   |
| City Council Ward(s):             | Ward 4   |
| Parcel ID Numbers:                | 12K540330, 12K630806, 12K610620, and 12K610598   |
|                                   | ty (8701 Scudder Road) with different parcel numbers on their parcel er and real estate database)                          |
| Area of Property:                 | 118.5 Acres  |
| Current/Past Use of the Property: | Vacant/(previous) former subdivision   |
| Surrounding Zoning:               | <u>North</u> : M-1 Industrial<br><u>South</u> : AD-2 Airport<br><u>East</u> : Interstate 170<br><u>West</u> : AD-2 Airport |
| Parking Required:                 | N/A  |
| MAPS                              |  |

### **Proposed Boundary Adjustment/Consolidation Plan:**

(see attached)

### ZONING IMPACT ANALYSIS

# 1. Whether the consolidation proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes. This proposal is for consolidating lots for the purpose of building an advanced aircraft manufacturing facility. Apart from Interstate 170 to the east (which forms it's own buffer from the residential districts adjacent to it), the entire site is surrounded by other Boeing facilities, and by St. Louis Lambert International Airport and it's ancillary facilities.

### 2. Whether the consolidation proposal will adversely affect the existing use or usability of adjacent or nearby property;

No. The proposed future development is identical to what has already been built in the area (aircraft/aerospace manufacturing). It would fit in appropriately and would not affect any existing use.

## 3. Whether the property to be affected by the consolidation proposal has a reasonable economic use as currently zoned;

The current zoning of the property is not at issue; it is the lack of consolidation that makes development of this property unfeasible at the moment.

### 4. Whether the consolidation proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

Consolidation of these parcels will have no impact on any of the above utilities and/or transportation issues.

## 5. Whether the consolidation proposal is in conformity with the policies and intent of the land use plan;

Yes. The proposed consolidation "*will protect airport operations and ensure a compatible relationship between airport uses and other uses in the vicinity of such airport operation and to ensure comprehensive, uniform development of the airport district.*"(Ch. 5, pg. 9; 'Future land use plan', Berkeley comprehensive plan, 2009)

# 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the consolidation proposal; and

No. There are no other pertinent conditions or concerns with this site.

### 7. Whether the consolidation proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of City of Berkeley.

No. The proposed use allowable under this zoning is suitable for the area, and any site environmental concerns will have to be addressed in any development plan.

### PLANNER'S RECOMMENDATION

This is an amendment to the original lot consolidation request of November 2023. The segment of the consolidation was delayed due to negotiations with St. Louis Lambert Airport, which have been successfully concluded. Nothing else changes.

Staff recommends approval.

### PLANNING COMMISSION RECOMMENDATION OPTIONS

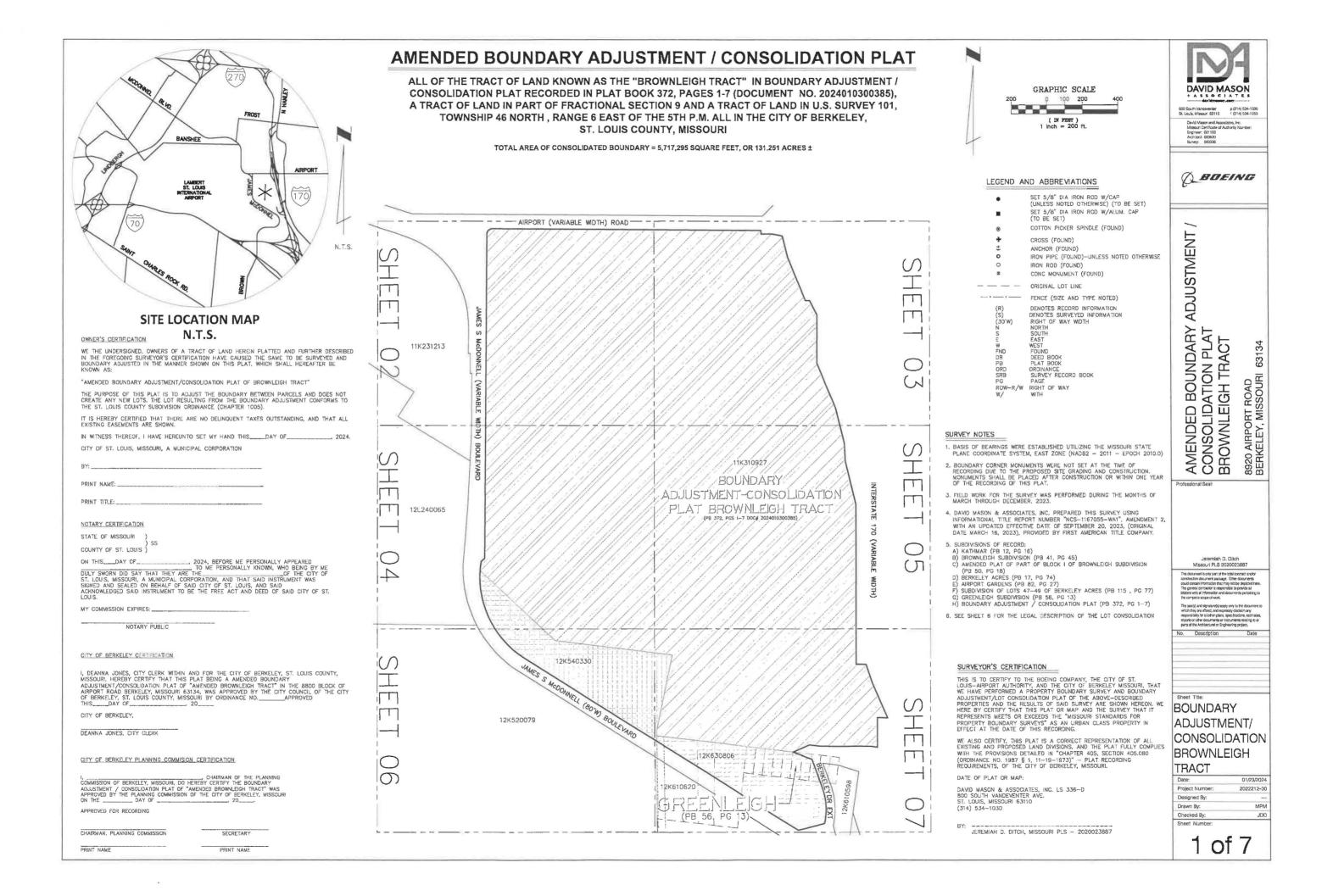
- 1. –Recommend approval of the applicant's request.
- 2. –Recommend denial of the applicant's request.

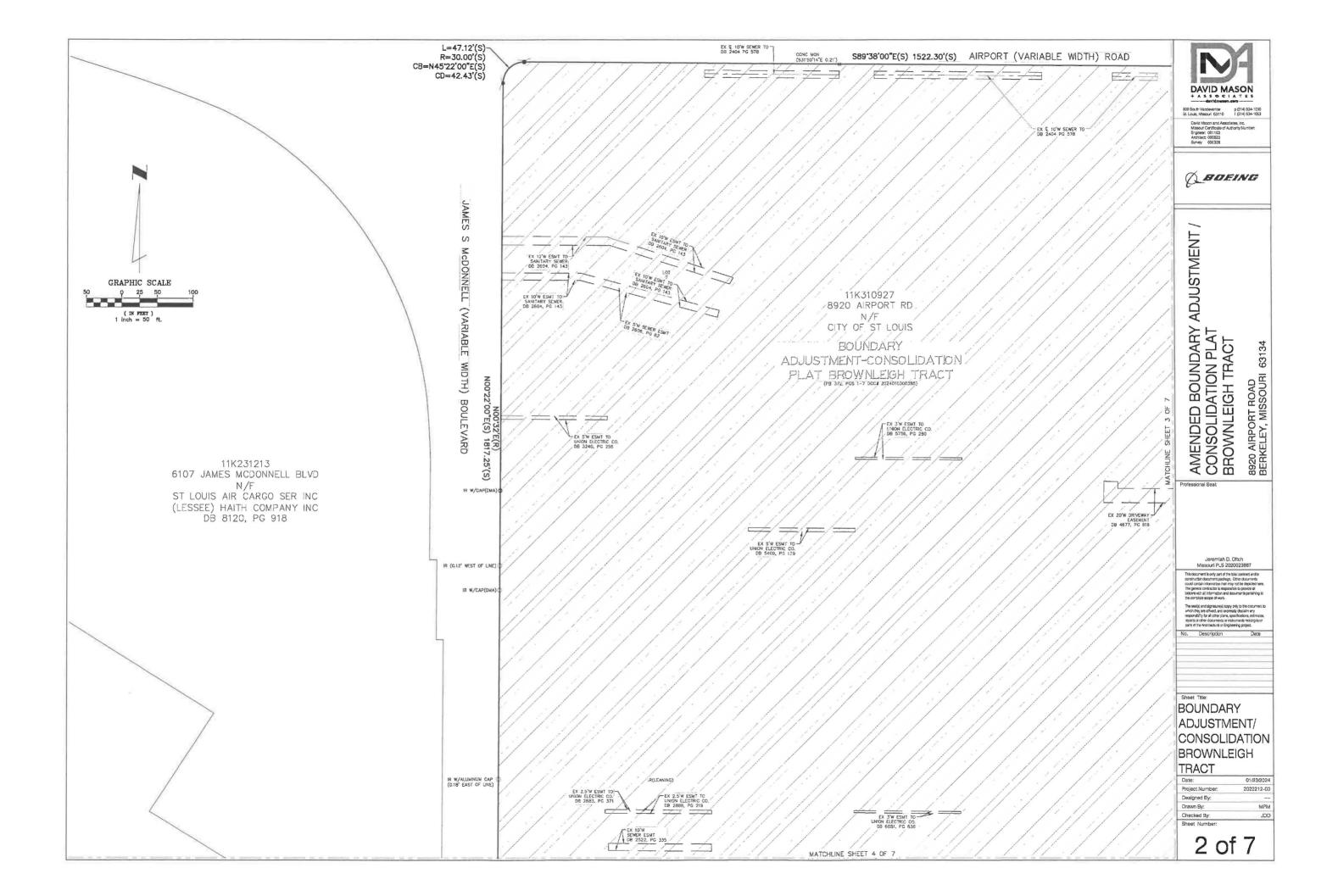
PREPARED BY: Elliot Liebson, Director of Planning and Development

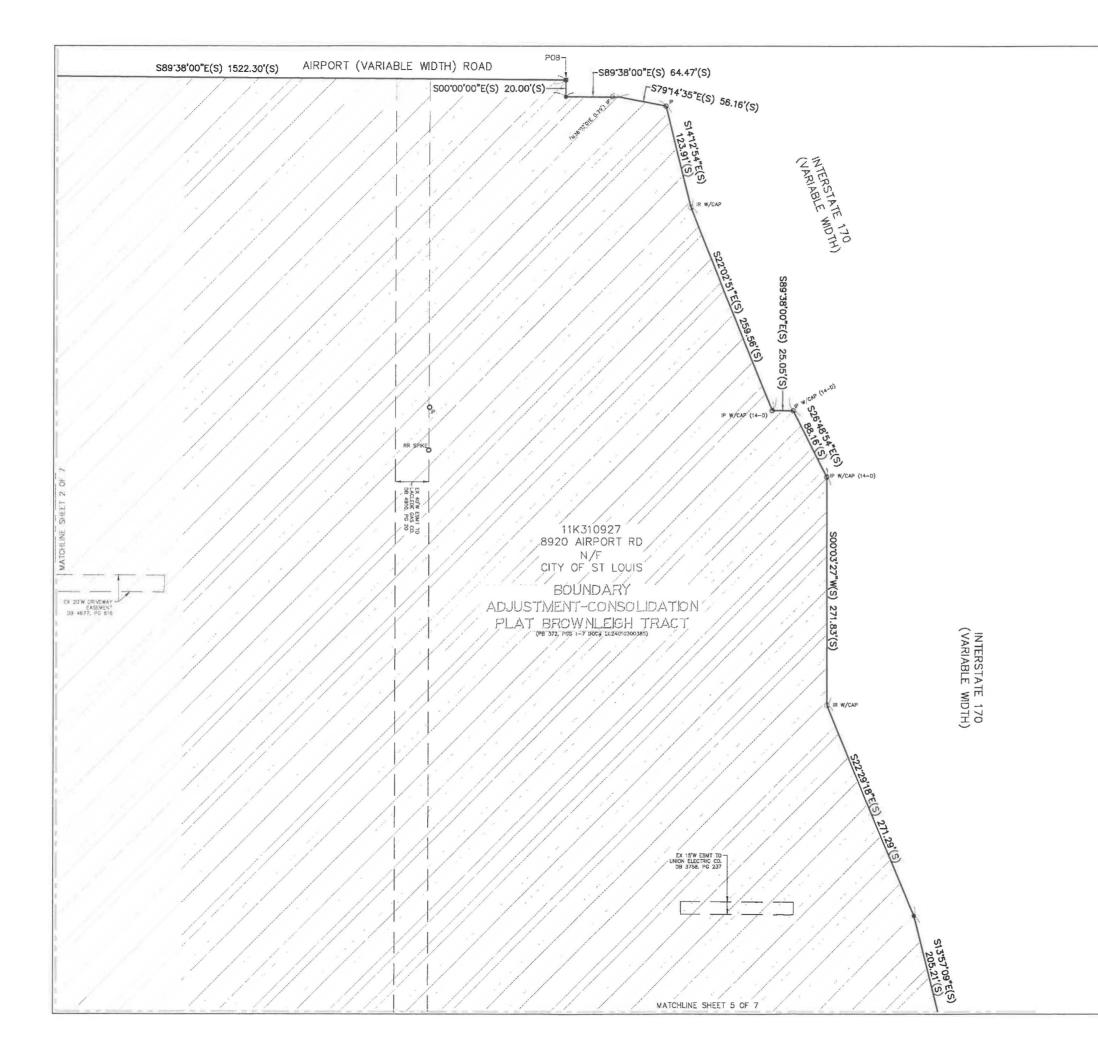
**REVIEWED BY:** Nathan Mai-Lombardo, City Manager

### PLANNING COMMISSION RECOMMENDATION

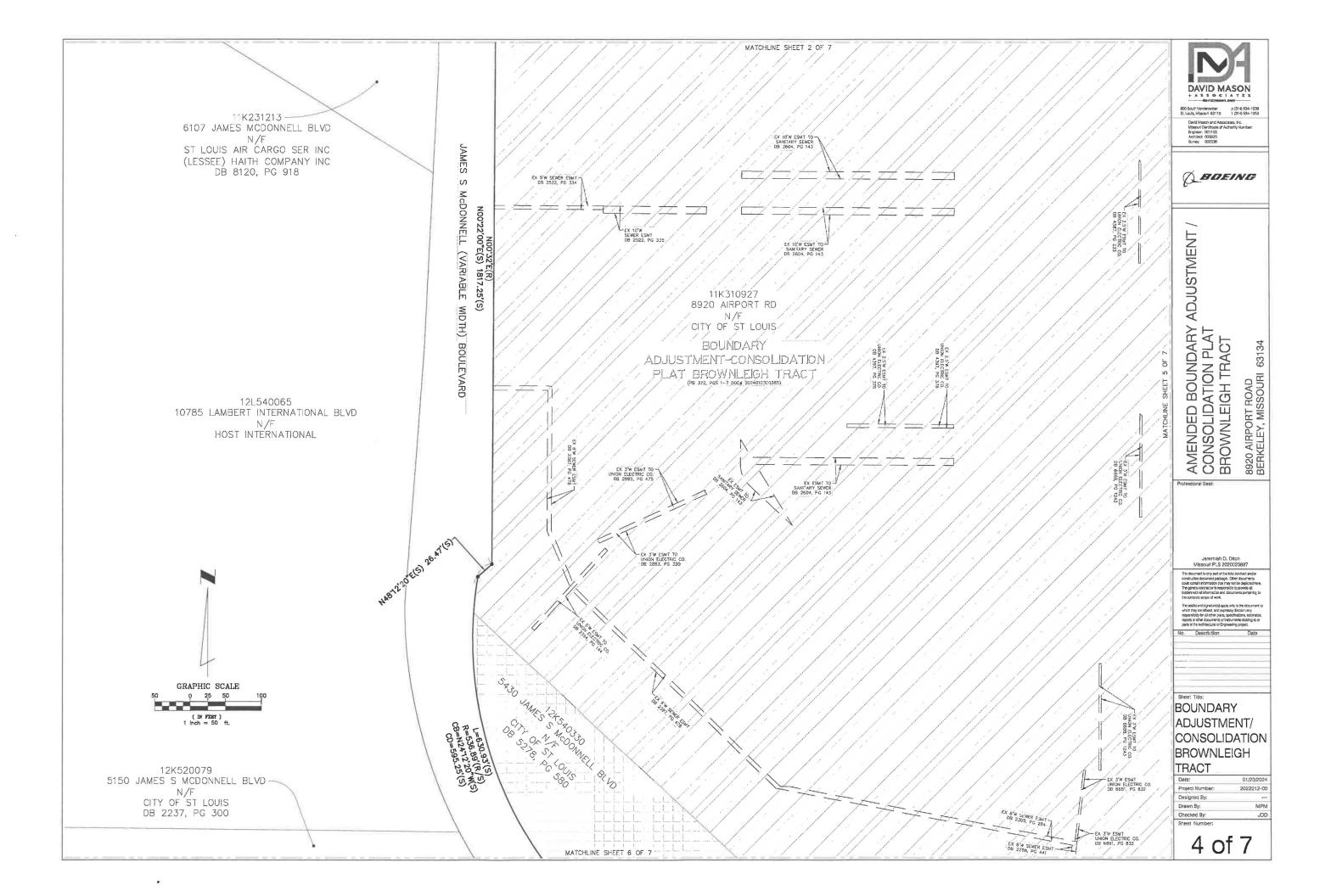
On February 14, 2024, the Plan Commission voted 4-0 in *favor* of recommending this Amended Lot Consolidation to City Council.

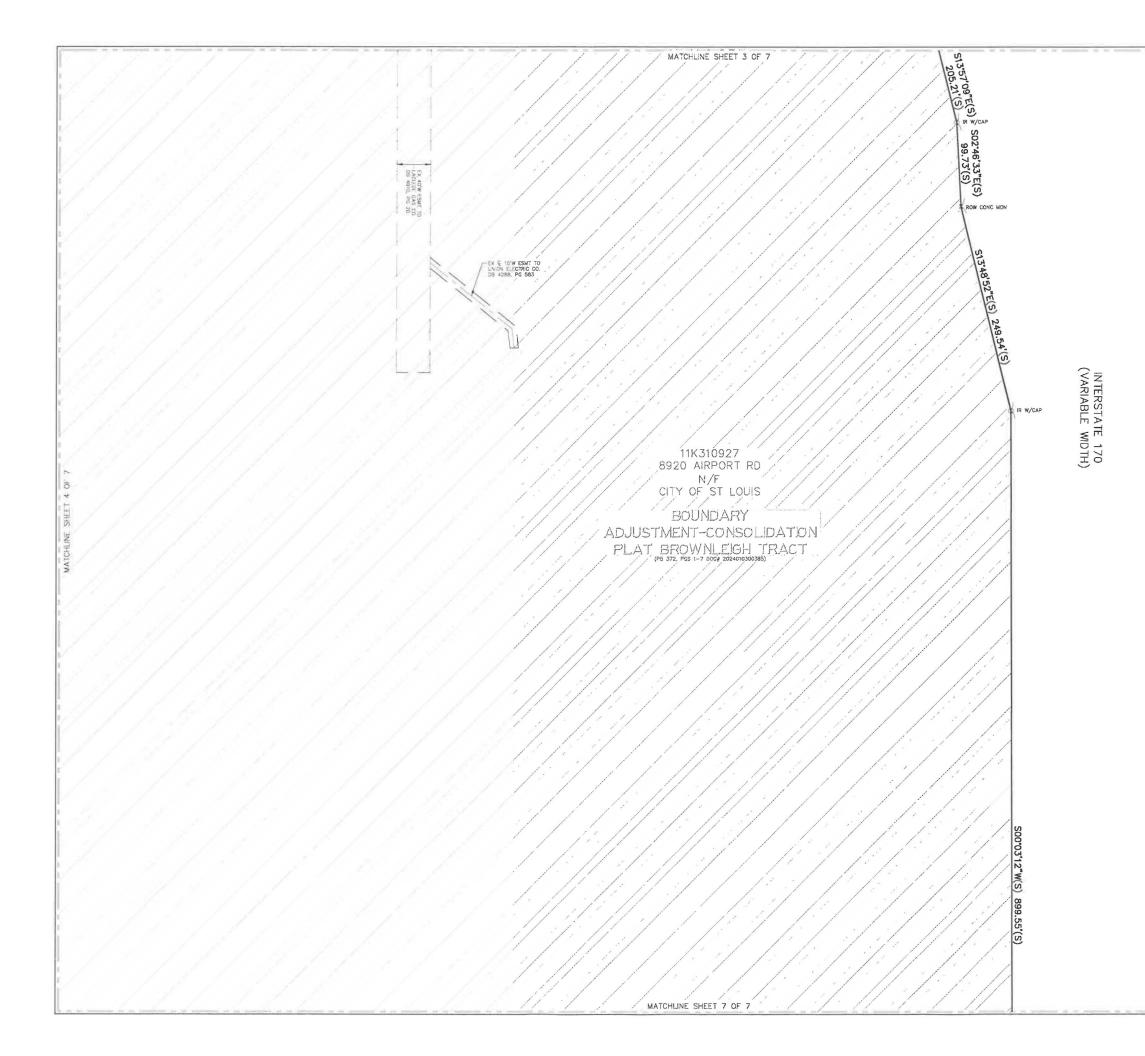














#### LEGAL DESCRIPTION

ALL OF THE TRACT OF LAND, KNOWN AS THE BROWNLEIGH TRACT, IN BOUNDARY ADJUSTMENT/LOT CONSOLIDATION PLAT, RECORDED IN PLAT BOOK 372, PAGES 1-7, AND ALSO BEING LOCATED WITHIN A PORTION OF, "GREENLEIGH" SUBJINSION AS RECORDED IN PLAT BOOK 56, PAGE 13, AND A TRACT OF LAND BEING SITUATED IN PART OF FRACTIONAL SECTION 9, AND U.S. SURVEY 101, TOWNSHIP 46 NORTH, RANGE 6 EAST OF THE STH PRINCIPAL MERIDIAN, CITY OF BERKELEY, IN SAINT LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### "AMENDED BROWNLEIGH TRACT"

FROM THE POINT OF BEGINNING: BEGINNING AT AN IRON ROD, WITH CAP STAMPED "DMA, INC L.S.-336D" LOCATED AT THE INTERSECTION POINT OF THE SOUTHERN RIGHT-OF-WAY LINE OF AIRPORT ROAD (PUBLIC, VARIABLE WIDTH), WITH THE WESTERN RIGHT-OF-WAY LINE FOR INTERSTATE HIGHWAY 170 AT ON RAMP "13" (AIRPORT ROAD ONRAMP), ACCORDING TO HIGHWAY PLANS FOR INTERSTATE 170, FEDERAL PROJECT NUMBER, ACCORDING TO HIGHWAT PLANS FOR INTERSTATE TAY, FEDERAL PROJECT NUMBER 1-170-5 (158); THENCE, CONTINUING COINCIDENT WITH THE WESTERN RIGHT-OF-WAY LINE OF INTERSTATE 170, THE FOLLOWING COURSES AND DISTANCES: SOUTH OD DEGREES OG MINUTES, OO SECONDS EAST, 20.00 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC LS.-336D"; THENCE, SOUTH 89 DEGREES 38 MINUTES, OO SECONDS EAST, 64.47 FEET; THENCE, SOUTH 79 DEGREES 14 MINUTES 35 SECONDS EAST, 55.16 FEET TO AN IRON PIPE; THENCE, SOUTH 14 DEGREES 12 MINUTES, 50 EAST, 55.16 FEET TO AN IRON PIPE; THENCE, SOUTH 14 DEGREES 12 MINUTES, 50 EAST, 55.16 FEET TO AN IRON PIPE; THENCE, SOUTH 14 DEGREES 12 MINUTES, 50 EAST, 55.16 FEET TO AN IRON PIPE; 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THENCE, SOUTH 89 DEGREES 38 MINUTES DO SECONDS EAST, 25.05 FEET TO AN IRON PIPE WITH CAP STAMPED "LS-140"; THENCE, SOUTH 26 DEGREES 48 MINUTES 54 SECONDS EAST, 88.16 FEET TO AN IRON PIPE WITH CAP STAMPED "LS-14D"; THENCE, SOUTH 00 DEGREES 03 MINUTES 27 SECONDS WEST, 71.83 FEET TO AN IRON ROD WITH CAP; THENCE, SOUTH 22 DEGREES 29 MINUTES, 18 SECONDS EAST 271.29 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC LS.-336D"; THENCE, SOUTH 13 DEGREES 57 MINUTES 09 SECONDS EAST, 205.21 FEET TO AN IRON ROD WITH CAP; THENCE, SOUTH 02 DEGREES 46 MINUTES, 33 SECONDS EAST, 99.73 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT; THENCE, SOUTH 13 DEGREES 48 MINUTES 52 SECONDS EAST, 249.54 FEET TO AN IRON ROD WITH CAP; THENCE, SOUTH 00 DEGREES 03 MINUTES 12 SECONDS WEST, 89.55 FEET TO AN IRON PIPE; THENCE, SOUTH 19 DEGREES 15 MINUTES 25 SECONDS EAST, 54.86 FEET TO AN IRON PIPE; THENCE, SOUTH 19 DEGREES 15 MINUTES 25 SECONDS EAST, 105.73 FEET IRON PIPE; THENCE, SOUTH 19 DEGREES 11 MINUTES 27 SECONDS EAST, 105.73 FEET TO AN IRON ROD WITH CAP STAMPED "DWA, INC L.S.-336D"; THENCE, SOUTH 23 DEGREES 45 MINUTES 20 SECONDS EAST, 218.87 FEET TO AN IRON PIPE WITH CAP STAMPED "LS-14D"; THENCE, NORTH 89 DEGREES 17 MINUTES 18 SECONDS WEST, STAMPED LS-14D; HENCE, NORTH OF DEGREES 17 MINUTES TO SECURDS WEST, 59.23 FEET TO A POINT AT WHICH A STEEL RIGHT-OF-WAY MARKER BEARS SOUTH 80 DEGREES 17 MINUTES 18 SECONDS EAST, 1.27 FEET DISTANT; THENCE, SOUTH 00 DEGREES 06 MINUTES 10 SECONDS EAST, 166.73 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT; THENCE, NORTH 82 DEGREES 21 MINUTES 38 SECONDS WEST, 36.58 FEET TO WINDER THENCE, NORTH 82 DEGREES 21 MINUTES 38 SECONDS WEST, 36.58 FEET MONUMENT; THENCE, NORTH 82 DEGREES 21 MINUTES 38 SECONDS WEST, 36.58 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D" STILL IN SAID WESTERN RIGHT-OF-WAY LINE OF INTERSTATE 170, AT THE SCUDDER ROAD OVERPASS; THENCE, CONTINUING COINCIDENT WITH SAID WESTERN RIGHT-OF-WAY OF INTERSTATE 170, NORTH 89 DEGREES 27 MINUTES 24 SECONDS WEST, 289.08 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D"; THENCE, NORTH 83 DEGREES 12 MINUTES 00 SECONDS WEST, 59.33 FEET TO A STEEL RIGHT-OF-WAY MARKER; THENCE, SOUTH 65 DEGREES 38 MINUTES 38 SECONDS WEST, 97.58 FEET TO AN IRON ROD WITH CAP STANDED "DMA NUC L.S.-336D"; JECATED ND DATE FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D", LOCATED IN BOTH THE SOUTHERN RIGHT-OF-WAY LINE STAMPED DMA, INC L.S.-336D, LOCATED IN BOTH THE SOUTHERN RIGHT-OF-WAY LINE OF FORMER SCUDDER AVENUE 50 FOOT WIDE (VACATED PER ORDINANCE 3577, AS RECORDED IN BOOK 14286, PAGE 594) AND AT THE NORTHWEST CORNER OF LOT 6 OF GREENLEIGH SUBDIVISION AS RECORDED IN PLAT BOOK 56, PAGE 13; THENCE, DEPARTING SAID FORMER SOUTHERN RIGHT-OF-WAY LINE OF SCUDDER AVENUE, SOUTH 67 DEGREES 57 MINUTES 51 SECONDS EAST, 112.43 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D" AT THE INTERSECTION POINT OF THE AFORESAID INTERSTATE 170 RIGHT-OF-WAY AND THE WESTERN RIGHT-OF-WAY LINE OF BERKELEY AVENUE EXTENSION (PUBLIC, 50 FOOT WIDE): THENCE, DEPARTING SALD WESTERN RIGHT-OF-WAY LINE OF INTERSTATE 170, AND CONTINUING COUNCIDENT WITH THE WESTERN RIGHT-OF-WAY LINE OF BERKELEY AVENUE EXTENSION THE FOLLOWING COURSES AND DISTANCES: SOUTH 19 DEGREES 42 MINUTES 43 SECONDS EAST, 170.41 COURSES AND DISTANCES: SOUTH 19 DEGREES 42 MINUTES 43 SECONDS EAST, 170.41 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D" AT A POINT OF CURVATURE; THENCE, FOLLOWING A CURVE TO THE RIGHT, AND CONCAVE TO THE WEST, AN ARC LENGTH OF 203.32 FEET, SAID CURVE HAVING A RADIUS OF 356.97 FEET, A CHORD THAT BEARS SOUTH 03 DEGREES 23 MINUTES 43 SECONDS EAST, AND 200.58 FEET DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D"; THENCE, SOUTH 75 DEGREES 17 MINUTES 48 SECONDS WEST, 149.98 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D" AT THE INTERSECTION POINT OF SAID WESTERN RIGHT-OF-WAY LINE OF BERKELEY AVENUE EXTENSION AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF JAMES S. MCDONNELL BOULEVARD (PUBLIC, VARIABLE WIDTH); THENCE, DEPARTING SAID WESTERN RIGHT-OF-WAY LINE OF BERKELEY AVENUE EXTENSION, AND CONTINUING WITH SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF JAMES S. MCDONNELL BOULEVARD THE FOLLOWING COURSES AND DISTANCES: NORTH 57 DEGREES 52 MINUTES 15 SECONDS WEST, 1821.59 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D" AT A POINT OF CURVATURE; THENCE, FOLLOWING A CURVE TO THE RIGHT, AND CONCAVE TO THE EAST, AN ARC LENGTH OF 630.93 FEET, SAID CURVE HAVING A RADIUS OF 536.89 FEET, A CHORD THAT BEARS NORTH 24 DEGREES 12 MINUTES 20 SECONDS WEST, AND 595.25 FEET DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D"; THENCE, ALONG DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S.-336D"; THENCE, ALONG A LINE, NOT TANGENT TO THE PREVIOUS CURVE, NORTH 48 DEGREES 12 MINUTES 20 SECONDS EAST, 26.47 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S. 3380"; THENCE, NORTH 00 DEGREES 22 MINUTES 00 SECONDS EAST, 1,817.25 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S. 3360" AT A POINT OF CURVATURE FOR THE ROUNDING OF THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID JAMES S. MCDONNELL BOULEVARD AND THE SOUTHERN RIGHT-OF-WAY LINE OF THE AFOREMENTIONED AIRPORT ROAD (PUBLIC, VARIABLE WIDTH); THENCE, ALONG SAID ROUNDING, A CURVE TO THE RIGHT AND CONCAVE TO THE SOUTHEAST, AN ARC LENGTH OF 47.12 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CHORD THAT BEARS NORTH 45 DEGREES 22 MINUTES 00 SECONDS EAST, AND IS 42.43 FEET DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S. 336D"; THENCE, DEPARTING SAID EASTERN RIGHT-OF-WAY FOR JAMES S. MCDONNELL BOULEVARD, AND CONTINUING CONTINUING THAT BEARS ON STERN RIGHT-OF-WAY FOR JAMES S. MCDONNELL BOULEVARD, AND CONTINUING SOUTHERN RIGHT-OF-WAY OF AIRPORT ROAD, SOUTH ROAD, SOUTH ROAD, SOUTH ROAD, SOUTH ROAD, SOUTH ROAD, SOUTH SO SECONDS EAST, AND IS 42.43 FEET DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S. 336D"; THENCE, DEPARTING SAID EASTERN RIGHT-OF-WAY FOR JAMES S. MCDONNELL BOULEVARD, AND CONTINUING CONTINUING CONTRUING THAT BEARS ON SECONDS EAST, AND IS 42.43 FEET DISTANT TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S. 336D"; THENCE, DEPARTING SAID EASTERN RIGHT-OF-WAY FOR JAMES S. MCDONNELL BOULEVARD, AND CONTINUING CONTINUING CONTRUBING SOUTHERN RIGHT-OF-WAY OF AIRPORT ROAD, SOUTH SECONDS EAST, 26.47 FEET TO AN IRON ROD WITH CAP STAMPED "DMA, INC L.S 89 DEGREES 38 MINUTES OD SECONDS EAST, 1,522.30 FEET, TO THE POINT OF BEGINNING. THE AMENDED BROWNLEIGH TRACT ADJUSTED BOUNDARY CONTAINS A TOTAL AREA OF 5,717,295 SQUARE FEET, OR 131.251 ACRES MORE OR LESS.

