

**Introduced by: City Manager Debra M. Irvin**

**AN ORDINANCE APPROVING THE STANSBERRY LOT CONSOLIDATION PLAT AS A PART OF LOT 2 IN BLOCK 6 OF ELANOR PARK NO. 2 AND A PORTION OF STANSBERRY AVENUE, IN THE CITY OF BERKELEY, MISSOURI, SAINT LOUIS COUNTY**

**WHEREAS,** the City has enacted a Subdivision Ordinance; and the City Council, after receiving a recommendation from the City Plan Commission of November 12, 2020 considers the petitioner’s application to vacate and consolidate a certain portion of Stansberry, which is contiguous to 4451 Brown Road. Applicant desire to vacate a 50’ feet wide portion of Stansberry and 50’ wide portion of Preston; the site plan was submitted Vance Engineering representing the owner, Mr. Tom Bommarito; and

**WHEREAS,** in accordance with the Subdivision Regulations, the City Plan Commission recommended the approval to the City Council with conditions; the Stansberry Lot Consolidation Plat as a Part of Lot 2 in Block 6 of Elanor Park No. 2 and a portion of Stansberry Avenue; and

**WHEREAS,** the consolidation is to accommodate additional parking for 4451 Brown Road, a commercial business in C-2 General Commercial District.

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

**Section 1.** The Stansberry Lot Consolidation Plat as a Part of Lot 2 in Block 6 of Elanor Park No. 2 and a Portion of Stansberry Avenue in the St. Louis County records, and as approved by the City Plan Commission, is hereby approved by the Council of the City of Berkeley.

**Section 2.** The Lot Consolidation Plat and additional conditions is attached hereto and incorporated herein as Exhibit A; and shall be filed b the owner in the Saint Louis County Recorder of Deeds Office.

**Section 3.** This Ordinance shall be in full force and effect from and after the date of its passage.

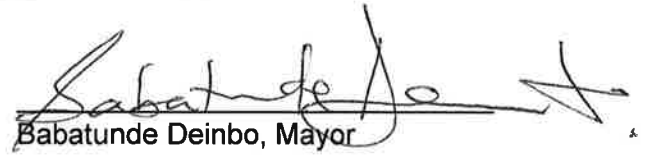
**Section 4. Conditions:**

1. Owner to pay all fees associated with vacation and lot consolidation.
2. Owner shall apply with all zoning regulations.
3. Owner shall enhance the new space to meet parking requirements and MSD storm water management.
4. Owner shall install a fence around new parking lot as not to impact the homes on Stansberry.

1st Reading this 07<sup>th</sup> day of December 2020


2nd Reading this 15<sup>th</sup> day of December 2020

3rd Reading, PASSED and APPROVED, this 15<sup>th</sup> day of December 2020

  
Babatunde Deinbo, Mayor

ATTEST:

  
Deanna L. Jones, City Clerk

  
Approved as To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Mitchell	Aye	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman Williams	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman Hoskins	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilwoman Anthony	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Councilman Hindeleh	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input checked="" type="checkbox"/>
Councilwoman-at-Large Greene	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>
Mayor Deinbo	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	Absent	<input type="checkbox"/>	Abstain	<input type="checkbox"/>

### CONSOLIDATION PLAT STANSBERRY CONSOLIDATION A CONSOLIDATION PLAT OF A PART OF LOT 2 IN BLOCK 8 OF ELANDOR PARK NO. 2 AND A PORTION OF STANSBERRY AVENUE CITY OF BERKELEY, ST. LOUIS, MISSOURI ZONED: C2 - GENERAL COMMERCIAL

**SCALE**  
INCHES TO FEET  
0 20 40  
1" = 20'

**LEGEND**  
-- BOUNDARY LINE  
--- EASEMENT  
- - - - - UNRECORDED BOUNDARY  
- - - - - UNRECORDED EASEMENT  
- - - - - UNRECORDED RIGHT-OF-WAY  
- - - - - UNRECORDED ROAD

**SYMBOLS**  
K - SERVICE TRUNK DRIVE  
O - DRIVEWAY TO 1/2" TOP OF CURVE



LINE	LENGTH	AREA
1	180.00	32400.00
2	120.00	14400.00
3	100.00	10000.00
4	150.00	22500.00
5	200.00	40000.00
6	125.00	15625.00

- #### GENERAL NOTES
1. THE BASIS OF MEASUREMENT FOR THIS SURVEY IS DEED BOOK THREE PAGE 897 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS.
  2. THE PROPERTY IS SEPARATED BY ST. LOUIS COUNTY PARCELS 45086080, 45086081, 45086082, 45086083, 45086084, 45086085, 45086086, 45086087, 45086088, 45086089, 45086090, 45086091, 45086092, 45086093, 45086094, 45086095, 45086096, 45086097, 45086098, 45086099, 45086100, 45086101, 45086102, 45086103, 45086104, 45086105, 45086106, 45086107, 45086108, 45086109, 45086110, 45086111, 45086112, 45086113, 45086114, 45086115, 45086116, 45086117, 45086118, 45086119, 45086120, 45086121, 45086122, 45086123, 45086124, 45086125, 45086126, 45086127, 45086128, 45086129, 45086130, 45086131, 45086132, 45086133, 45086134, 45086135, 45086136, 45086137, 45086138, 45086139, 45086140, 45086141, 45086142, 45086143, 45086144, 45086145, 45086146, 45086147, 45086148, 45086149, 45086150, 45086151, 45086152, 45086153, 45086154, 45086155, 45086156, 45086157, 45086158, 45086159, 45086160, 45086161, 45086162, 45086163, 45086164, 45086165, 45086166, 45086167, 45086168, 45086169, 45086170, 45086171, 45086172, 45086173, 45086174, 45086175, 45086176, 45086177, 45086178, 45086179, 45086180, 45086181, 45086182, 45086183, 45086184, 45086185, 45086186, 45086187, 45086188, 45086189, 45086190, 45086191, 45086192, 45086193, 45086194, 45086195, 45086196, 45086197, 45086198, 45086199, 45086200.
  3. SOURCE OF DEED REFERENCES IS DEED BOOK THREE PAGE 897.
  4. LAND SURVEYING PLATS FOR ANY AND ALL CONSTRUCTION ON THIS SITE MUST BE REFERENCED TO THIS SURVEY PLAT AND THE EXTENSION THEREOF AS SET FORTH IN THE SYMBOL KEY HEREIN. NO OTHER SURVEYING PLATS OR RECORDS SHALL BE USED TO DETERMINE THE BOUNDARY OF A LAND SURVEYING PLAT.
  5. THE STRUCTURES AND ZONING USES ON THIS SITE ARE IN COMPLIANCE WITH THE CITY OF BERKELEY, MISSOURI ZONING ORDINANCE CHAPTER 100.00, WHICH PROVIDES FOR THE CONSTRUCTION AND USE OF SUCH STRUCTURES AND ZONING USES AS SET FORTH IN THE SYMBOL KEY HEREIN.
  6. THIS PLAT CONTAINS A TOTAL OF 23,173.32 SQ. FT. OR 0.53 ACRES.

#### ORIGINAL LEGAL DESCRIPTION (SEE DEED BOOK THREE PAGE 897)

A PART OF LOT 2 IN BLOCK 8 OF ELANDOR PARK NO. 2, ACCORDING TO PLAT 1461 OF RECORD IN PLAT BOOK 28 PAGE 50 OF THE ST. LOUIS COUNTY RECORDS OFFICE, RECORDS VOLUME 45086101, 45086102, 45086103, 45086104, 45086105, 45086106, 45086107, 45086108, 45086109, 45086110, 45086111, 45086112, 45086113, 45086114, 45086115, 45086116, 45086117, 45086118, 45086119, 45086120, 45086121, 45086122, 45086123, 45086124, 45086125, 45086126, 45086127, 45086128, 45086129, 45086130, 45086131, 45086132, 45086133, 45086134, 45086135, 45086136, 45086137, 45086138, 45086139, 45086140, 45086141, 45086142, 45086143, 45086144, 45086145, 45086146, 45086147, 45086148, 45086149, 45086150, 45086151, 45086152, 45086153, 45086154, 45086155, 45086156, 45086157, 45086158, 45086159, 45086160, 45086161, 45086162, 45086163, 45086164, 45086165, 45086166, 45086167, 45086168, 45086169, 45086170, 45086171, 45086172, 45086173, 45086174, 45086175, 45086176, 45086177, 45086178, 45086179, 45086180, 45086181, 45086182, 45086183, 45086184, 45086185, 45086186, 45086187, 45086188, 45086189, 45086190, 45086191, 45086192, 45086193, 45086194, 45086195, 45086196, 45086197, 45086198, 45086199, 45086200.

#### SUBROVEE STATEMENT

I, THE UNDERSIGNED OWNER OF A TRACT OF LAND WHEN PLATD AND PARTNER RECEIVED IN THE FOREGOING SUBROVEE STATEMENT HAVE CAUSED A BOUNDARY ADJUSTMENT PLAT IN THE AFORE SAID SECTION, WHICH SHALL BE RECORDED IN THE PUBLIC RECORDS, TO BE DRAWN AND FORWARDED TO THE RECORDS OFFICE OF THE COUNTY OF ST. LOUIS, MISSOURI, AND TO THE CITY OF BERKELEY, MISSOURI, FOR RECORD. ALL OTHERS WHOSE INTERESTS ARE SHOWN AS PER THE REFERENCES WILL CONSENT.

SHAREL ENTERPRISES LLC

STATE OF MISSOURI

COUNTY OF ST. LOUIS

ON THIS 15TH DAY OF APRIL 2018, BEFORE ME, NOTARY PUBLIC, AND THE PARTIES APPEARED TO ME PERSONALLY KNOWN AND BEING BY ME FULLY ADVISED OF THE CONTENTS OF SAID INSTRUMENT AND THAT THE SAID INSTRUMENT WAS SIGNED IN FREEDOM OF MIND AND WITHOUT COERCION, FRAUD, UNLAWFUL INFLUENCE, AND THAT THE SAID INSTRUMENT WAS ENTERED INTO BY THE SAID PARTY OR PARTIES FOR THE PURPOSES SET FORTH IN SAID INSTRUMENT, AND THAT SAID PARTY OR PARTIES HAVE ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

WITNESS MYSELF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE CITY AND STATE OF MISSOURI, THIS 15TH DAY OF APRIL 2018.

NOTARY PUBLIC

#### STATEMENT OF PLANNING COMMISSION

THIS PLAT HAS BEEN REVIEWED UNDER SECTION 100.00 OF THE ST. LOUIS COUNTY SUBROVEE ORDINANCE (CHAPTER 100.00) AND APPROVED BY THE CITY OF BERKELEY DEPARTMENT OF PLANNING AND ZONING, COUNCIL, AND THE CITY OF BERKELEY BOARD OF ALDERMEN, WHICH IS THE AUTHORITY FOR THE CITY OF BERKELEY, MISSOURI, TO CONDUCT A BOUNDARY ADJUSTMENT PLAT. THE CITY OF BERKELEY, MISSOURI, IS NOT PROVIDING ANY GUARANTEE OF ACCURACY FOR THE PLAT AND THE ORIGINAL SETS ARE NOT REQUIRED TO BE FILED IN THE RECORDS OFFICE OF THE ZONING ORDINANCE CHAPTER 100.00 OF THE SUBROVEE ORDINANCE.

USA CIVIL ENGINEERS

THIS IS TO CERTIFY AS THE REQUEST OF JOHN MARLER, I HAVE DRAWN THIS INSTRUMENT TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF ST. LOUIS, MISSOURI, AND TO THE CITY OF BERKELEY, MISSOURI, FOR RECORD. ALL OTHERS WHOSE INTERESTS ARE SHOWN AS PER THE REFERENCES WILL CONSENT.

DATE OF RECORDING: APRIL 15, 2018

FILED IN PUBLIC RECORDS: APRIL 15, 2018

FILED IN CITY OF BERKELEY RECORDS: APRIL 15, 2018

FILED IN COUNTY OF ST. LOUIS RECORDS: APRIL 15, 2018

FILED IN MISSOURI STATE RECORDS: APRIL 15, 2018

DATE	APPROVED	REVISION

PROJECT NAME: STANSBERRY CONSOLIDATION  
SCALE: 1" = 20'  
ADDRESS: 4451 BROWN ROAD ST. LOUIS COUNTY, MISSOURI 63124  
DATE: APRIL 15, 2018  
DRAWN BY: J. MARLER  
CHECKED BY: J. MARLER  
DATE: APRIL 15, 2018  
PROJECT NO.

**MARLER ENGINEERS**  
LAND SURVEYING & ENGINEERING, INC.  
11423 CHANDLER RD. ST. LOUIS, MO 63141 (314) 726-3000 FAX (314) 726-3044 FAX  
455 EAST SPRINGFIELD ROAD, SUITE 100, BALLWIN, MO 63025 484-6884 FAX (314) 885-8888 FAX

THIS PLAT CONTAINS A TOTAL OF 23,173.32 SQ. FT. OR 0.53 ACRES



## STAFF REPORT

CASE NUMBER: **20-18**

DATE: November 16, 2020

PETITIONER: Mr. Tom Bommarito

PROPERTY OWNERS: City of Berkeley

REQUEST: Lot Consolidation/Street Vacation

PROPERTY ADDRESS: Stansberry Stub Street/Lot

CURRENT ZONING: "C-2" Industrial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant Land

PROPOSED USE: Parking Lot

RECOMMENDATIONS: Plan Commission recommends approval of vacation and consolidation



# REPORT TO CITY COUNCIL PUBLIC HEARING **NO TAXES DUE**

**TO:** The Members of the City Council

**FROM:** Debra Irvin, City Manager

**DATE:** November 16, 2020

**SUBJECT:** **Case #20-18:** - Shall a request from Tom Bommarito represented by Clay Vance of Vance Engineering to vacate a portion of Stansberry St and Preston to consolidate with 4451 Brown Road for additional parking

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We have investigated the Subject item, above, and present the following as our findings:

## **BACKGROUND**

Plan Commission heard the matter on November 12, 2020 and referred to City Council for public hearing to review and consider Mr. Tom Bommarito's request to vacate and consolidate a certain portion of land at the end of Stansberry and Preston, which is contiguous to 4451 Brown Road. Applicant desires to vacate a 50' feet wide portion of Stansberry and 50' wide portion of Preston.

The applicant was the successful bidder to purchase the land from the City; and, on November 2, the City Council approved Bill No 4808 accepting the bid price.

Come now Vance Engineering with a Boundary Resurvey and location of improvements and easements Plat to be considered for the vacation and consolidation.

## **PLAN COMMISSION RECOMMENDATION**

Homeowners in this area will not be impacted by the vacation and consolidation. Staff recommend approval of the plat.

## **SUPPORTING DOCUMENTS**

- Staff Report
- Site Plan
- Site Photograph
- Site Plan showing vacated land

## **OPTIONS OF THE COUNCIL**

1. Recommend denial of the Petitioner's request.
2. Recommend approval of one use of the Petitioner's request

## **PUBLIC NOTICE AND COMMENT**

Public Hearing notification is applicable. Upon recommendation by City Plan Commission to City Council, notices shall be mailed to owners and occupants of property within 185 feet of the site. This public hearing shall be published, posted and scheduled fifteen calendar days after the Plan Commission meeting, and/or date specified by the City Clerk.

## **CASE NO. 20-18- CONDITONS OF APPROVAL - VACATION AND CONSOLIDATION PLAT**

Approve, with conditions, the request vacate and consolidate an unnamed area of land at the end of Stanberry and contiguous to 4451 Brown Road, Berkeley, MO

1. Owner to pay all fees associated with vacation and lot consolidation
2. Owner shall adhere to Ordinance
3. Owner shall apply with all zoning regulations
4. Owner shall enhance the new space to meet parking requirements and MSD storm water management
5. Owner shall install a fence around new parking lot as not to impact the homes n Stansberry.

**Stub Street – End of Stansberry Avenue  
Berkeley MO 63134**

