

BILL NO. 2158

ORDINANCE NO. 1937

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E ONE ACRE" ESTATE DISTRICT FOR 2.62 ACRES OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD ACROSS FROM EAGLE CREST ESTATES. (P.Z. 22A-2002 WILDHORSE WAY)

WHEREAS, the petitioner, Lawless Homes, requested a change in zoning from an "NU" Non-Urban District to an "E One Acre" Estate District for 2.62 acres of land on the north side of Wild Horse Creek Road, across from Eagle Crest Estates, and;

WHEREAS, the Planning Commission, having considered said request, recommended approval with amendments to the Attachment A allowing two(2) curb cuts as approved by the Missouri Department of Transportation and deleting a reference to common ground "NU" Non-Urban District to an "E One Acre" Estate District by a vote of 5 to 1; and,

WHEREAS, the Planning and Zoning Committee, having considered said request, recommended approval of the rezoning from an "NU" Non-Urban District to an "E One Acre" Estate District with amendments allowing one (1) curb cut onto Wild Horse Creek Road and requiring adequate space for vehicular turn around by a vote of 4-0; and,

WHEREAS, the City Council, having considered said request and the recommendations of Planning Commission and the Planning and Zoning Committee, voted to approve the rezoning from "NU" Non-Urban District to "E One Acre" Estate District.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are a part thereof, are hereby amended by transferring from the "NU" Non-Urban District to the "E One Acre" Estate District 2.62 acre tract of land located on the north side of Wild Horse Creek Road, across from Eagle Crest Estates Subdivision, as described in "Exhibit A."

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in Attachment A, which is attached hereto and made a part hereof.

Section 3. The City Council, pursuant to the petition filed by Lawless Homes in P.Z. 22A-2002 requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 14th day of October, 2002, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

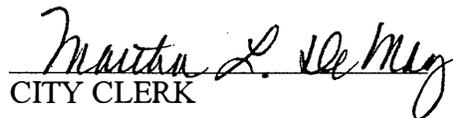
Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 2nd day of June, 2003.


MAYOR

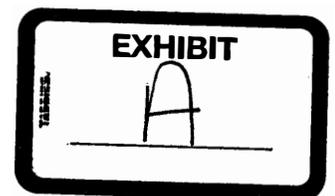
ATTEST:


CITY CLERK

Legal Description

A tract of land in U.S. Survey 125 being part of lots 3, 4 and 5 of BRYAN MULLANPHY ESTATE PARTITION, Township 45 North, Range 4 East and described as follows:

Beginning at the Northeast corner of a tract of land conveyed to Reuther of which this tract is a part; thence South 0 degrees 20 minutes West along the East line of Reuther Tract, 287.02 feet to the Southeast corner thereof, being on a curve in the North line of Wild Horse Creek Road; thence Westwardly along a curve to the right being a radius of 925.37 feet, 241.99 feet (chord bearing South 89 degrees 39 minutes 30 seconds West, 241.30 feet) to the point of tangency; thence North 82 degrees 51 minutes West, 158.97 feet to point distant 460 feet East of the West line of Reuther Tract as measured along the north line of Wild Horse Creek Road; thence North 0 degrees 36 minutes East 266.47 feet to a point in the North line of Reuther Tract, thence North 89 degrees 41 minutes East along the North line of Reuther Tract 397.91 feet to the place of beginning and containing 2.618 acres.



ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 1.2 Adherence to the Plan- substantiated
- 1.4 Quality New Development- substantiated
- 2.1. Quality Residential Development- substantiated
- 2.1.1 Conservation of Existing Quality of Life-substantiated
- 2.3 Homes in the West Sub-Area- substantiated

I. PERMITTED USES

This “E-One Acre” Estate District authorizes the development of a maximum of two (2) detached single-family homes.

II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

A. The following requirements shall apply to the permitted uses:

1. Height

- a. No building shall be more than two (2) floor levels in height, excluding basements.

2. Building Requirements

- a. A maximum of two (2) single-family detached homes may be built in this district.

- 3. Must meet the minimum requirements of the “E-One Acre” Estate District as delineated by the City of Chesterfield Zoning Ordinance.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Within eighteen (18) months from the preliminary development plan approval date by the City of Chesterfield and prior to issuance of any building permit, the developer shall submit to the City of Chesterfield for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the City of Chesterfield.
- B. Failure to comply with aforementioned time limit will result in the expiration of the preliminary plan and will require a new public hearing. Said Site Development Plans shall include but not be limited to the following:

IV. GENERAL CRITERIA

A. The Site Development Plan shall include the following:

1. Outboundary plat and legal description of the property.
2. Specific structure and parking setbacks along all roadways and property lines.
3. Existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
4. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
5. The scale to which the Site Development Plan will be drawn shall be no greater than one (1) inch equals one hundred (100) feet.
6. Show the location of significant natural features, such as floodplains, wooded areas and rock formations, that are to remain or be removed.
7. Location and size, including height, of all uses, building, parking and loading areas, light standards, fencing, other above ground structures and landscaping.
8. Show existing and proposed roadway, drives, walkways, and traffic control devices on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.
9. All existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements required for utilities, storm water drainage, grading or other improvements.
10. The location of the proposed storm sewers, detention basins, sanitary sewers, connection(s) to existing systems, and any proposed modification to the existing sanitary sewer system.
11. A landscape plan, including, but not limited to, location, size, and type of all plant and other material to be used.
12. Provide approvals from the Missouri Department of Transportation, The Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District and

the appropriate Fire District.

13. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
14. Provide the greenspace percentage for the plan. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

V. SPECIFIC CRITERIA

The Site Development Plans shall illustrate adherence to the following specific design criteria.

The above Site Development Plan shall adhere to the following specific design criteria:

A. Building and Structure Setbacks

1. Front yard: Minimum setback shall be 80 feet.

B. Parking Requirements

Minimum parking requirements shall be as required by the City of Chesterfield Zoning Ordinance.

C. Access

1. Public access to Wild Horse Creek Road shall be via one (1) curb cut as approved by the Missouri Department of Transportation and the City of Chesterfield.
2. Access/Utility easements are required throughout the development. Every other break between structures must contain a ten (10) feet wide access/utility easement, as directed by the City of Chesterfield. A continuous backyard easement of fifteen (15) feet wide must be provided for each lot.
3. Each driveway must be constructed with adequate area for vehicular turn around to prevent backing out onto Wild Horse Creek Road.

D. Public/Private Road Improvements, Including Sidewalks

1. Upon completion of construction, the developer shall restore the private emergency access drive to a condition acceptable to the Chesterfield Fire Protection District.
2. A site distance evaluation report, as required by the City of Chesterfield and Missouri Department of Transportation, for the proposed entrance onto Wildhorse Creek Road.
3. The developer shall provide any additional Right-of-way and construct any improvements along Wildhorse Creek Road as required by the Missouri Department of transportation. A 5 foot wide, ADA compliant sidewalk adjacent to Wild Horse Creek Road will be required by the City of Chesterfield. The sidewalk may be located within State Right-of-Way or within a 6 foot wide sidewalk, maintenance and utility easement, as approved by the Missouri Department of Transportation and the City of Chesterfield

E. Landscape Plan

The developer shall submit a landscape plan in accord with the Landscape Guidelines adopted by the Planning Commission as part of the Site Development Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

1. All new deciduous trees shall be a minimum of two and one-half (2 1/2) inches in caliper. All new evergreen trees shall be a minimum of six (6) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
2. If the estimated cost of new landscaping indicated on the Site Development Section Plans as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
3. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

F. Sign Requirements

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works and/or the Missouri Department of Transportation for sight distance considerations prior to installation or construction.

2. All other signs shall be permitted in accord with the regulations of the City of Chesterfield Zoning Ordinance.

G. Lighting Requirements

1. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property.
2. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.
3. Required street lighting and sidewalks within the development shall be depicted on the Site Development Plan, and escrows shall be established for these improvements.

H. Power of Review

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

I. Miscellaneous

1. If any work is proposed in, near or above the natural watercourse through this site, a hydrologic/hydraulic study evaluating the impacts of the proposed work shall be provided as directed by the City of Chesterfield Department of Public Works. Said study shall evaluate impacts on the entire length of stream, and any maintenance requirements. Appropriate permits and approvals from other agencies shall also be provided.
2. The developer is responsible for obtaining the necessary easements and temporary construction licenses necessary to construct and dedicate the storm water and sanitary sewer systems.
3. All storm water sewers and appurtenances shall be designed per City of Chesterfield and Metropolitan St. Louis Sewer District design standards. As depicted on the preliminary plan, a portion of the retention basin is located off site. This will require that easements and agreements regarding the proposed work and any future maintenance concerns be obtained by the developer and adjoining landowner.
4. Sanitary sewer pump station will have to receive the Metropolitan Sewer

District's actual construction approval before any occupancy.

5. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
6. Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

VI. SPIRIT OF ST. LOUIS AIRPORT

A. Avigation Easement

Prior to approval of any site development plan, the developer shall provide, at the direction of the Spirit of St. Louis Airport, an avigation easement or other appropriate legal instrument or agreements to fully remise and release any right or cause of action why they, their successors and assigns, may now have or which they may have in the future against the St. Louis County, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at or taking off from, or operating at or on Spirit of St. Louis Airport.

VII. SITE DEVELOPMENT TRUST FUNDS

The developer shall contribute to the St. Louis County Traffic Generation Assessment Trust Fund. This contribution and the cost of improvements qualifying for credit shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family	\$748.99/Parking Space

(Parking spaces as required by the governing ordinance for this development.)

Credits for roadway improvements will be as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic.

As this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains, following completion of road improvements required by the development, shall be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2004, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Traffic generation assessment contributions shall be deposited with the City of Chesterfield or St. Louis County in the form of a check made payable to the City of Chesterfield prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

VIII. VERIFICATION PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall provide the following:

A. Roadway Improvements and Curb Cuts

Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

B. Stormwater and Sanitary Sewer

1. Detention/retention is to be provided for this site as directed by the City of Chesterfield Department of Public Works. Detention of storm water runoff is required by providing permanent detention/retention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention/retention basin shall be operational prior to paving of any driveways, roads, or parking areas. The location and types of detention facilities shall be identified on the Site Development Plan.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point. No change in watersheds shall be permitted. The adequacy of any existing downstream storm water facilities shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided. Off-site easements for areas inundated by headwater from on site improvements shall be provided as required by the Department of Public

Works.

Geotechnical Report

Provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer, licensed to practice in the state of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendation for treatment.

C. Grading and Improvement Plans

1. A clearing/grading permit or improvement plan approval is required prior to any clearing or grading on the site. Be advised, the Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and grading permit.
2. Interim storm water drainage control in the form of siltation control and/or siltation basins is required. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to any clearing, grading, and/or improvement plan approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
3. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, shall be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
4. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions shall be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.
5. Provide adequate temporary off-street parking for construction employees

and a vehicle washdown/cleaning area shall be provided during construction. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed along Wild Horse Creek Road. All construction access shall be via the private emergency access drive.

6. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
7. Prior to improvement plan approval, copies of recorded easements/right-of-way dedications for off-site work, including book and page information, shall be provided.
8. If any public roads are proposed within this development, they must be built above the 100-year flood elevation with proper freeboard, or protected from flood damage by an approved levee. Any roads an/or drives proposed below this elevation, not protected by an approved levee, are to be private and remain private forever.
9. Prior to final approval or acceptance of the sanitary sewers, storm sewers, sidewalks and pavement, as-built drawings are required as directed by the City of Chesterfield, Department of Public Works.

IX. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval by the Planning Commission.

X. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, the developer will provide the following:

- A.** Approvals from the Missouri Department of Transportation, the Spirit of St. Louis Airport, the Metropolitan St. Louis Sewer District, and the appropriate Fire District.
- B.** Copies of recorded easements for off-site work, including book and page information, will be provided.

XI. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A.** Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation, and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

XII. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A.** The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B.** Prior to final occupancy of any building the developer shall provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.
- C.** Prior to issuance of an occupancy permit, all disturbed areas shall be seeded and mulched at the minimum rates defined in the City of Chesterfield's "Sediment &

Erosion Control Guidelines” or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.

- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

XIII. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources’ Land Survey Program.

XIV. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
1. The developer is advised that utility companies will require compensation for relocation of their utility facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner’s traffic generation assessment contributions. The developer should be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
 2. Failure to comply with any or all the conditions of this ordinance shall be adequate cause for revocation of permits by issuing Departments and Commissions.
 3. The City of Chesterfield, Missouri shall enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield.
 4. Waiver of Notice of Violation of the City of Chesterfield Zoning Ordinance.
 5. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDOT) standards and will be reviewed and approved by the City of Chesterfield and the Missouri

Department of Transportation (MoDOT).

6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDOT right of way.
 7. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
 8. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
- B.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject but not limited to the penalty provisions as set forth in the Chesterfield Zoning Ordinance §1003.410. Notice requirements set forth in 1003.410.2 of the zoning ordinance shall not apply to violations pursuant to this Ordinance or Attachment.