

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 787, PROVIDING FOR AN INCREASE IN THE NUMBER OF LOTS FROM 30 TO 31 IN WILDHORSE SPRINGS SUBDIVISION; LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD AND WILSON ROAD (P.Z. 3&4-93 DCL DEVELOPMENT).

WHEREAS, an "R-2" 15,000 square foot Residence District with a Planned Environment Unit, located on the north side of Wild Horse Creek and Wilson Roads, was approved in response to P.Z. 3&4-93, via City of Chesterfield Ordinance Number 787 on May 17, 1993; and,

WHEREAS, the record plat, trust indenture, warranty deed and escrow agreements for Wildhorse Springs Subdivision, located on the north side of Wild Horse Creek and Wilson Roads, were approved via City of Chesterfield Ordinance Number 879 on February 7, 1994; and

WHEREAS, City of Chesterfield Ordinance Number 787 states that "This Planned Environment Unit authorizes the development of a maximum of thirty (30) detached single-family residences;" and,

WHEREAS, the Trustees of Wildhorse Springs Subdivision, seeking a means by which to increase the number of lots in the subdivision from 30 to 31 to allow an additional single-family dwelling, have requested an amendment to City of Chesterfield Ordinance Number 787; and,

WHEREAS, the Planning Commission having considered said request, recommended approval; and,

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

Section 1. City of Chesterfield Ordinance Number 787 is hereby amended to provide for an increase in the number of lots in Wildhorse Springs Subdivision from 30 to 31 as set out in Attachment "A," which is attached hereto and made a part hereof.

Section 2. In all other respects, the original ordinance that had been passed by the City of Chesterfield City Council as it relates to Wildhorse Springs Subdivision is to remain in full force, except as amended.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 8th day of OCTOBER 2003.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

The Permitted Uses of City of Chesterfield Ordinance Number 787 shall be amended to read as follows:

1. PERMITTED USES

This Planned Environment Unit (PEU) authorized the development of a maximum of **thirty-one (31)** detached single-family residences.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN DISTRICT TO "R-2" 15,000 SQUARE FOOT RESIDENCE DISTRICT WITH PLANNED ENVIRONMENT UNIT PROCEDURE FOR A 12.6 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD, APPROXIMATELY 250 FEET EAST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND WILSON ROAD (P.Z. 3 AND 4-93 DLC DEVELOPMENT COMPANY).

WHEREAS, the petitioner DLC Development Company, requested a change in zoning from the "NU" Non-Urban District to "R-3" 10,000 square foot Residence District with a Planned Environment Unit for property located on the north side of Wild Horse Creek Road, approximately 250 feet east of Wilson Road;

WHEREAS, the City of Chesterfield Planning Commission recommended denial of the petitioner's request for rezoning the subject tract from "NU" Non-Urban District to "R-3" 10,000 square foot Residence District with a Planned Environment Unit;

WHEREAS, the Planning Commission subsequently recommended approval of "R-2" 15,000 square foot Residence District with a Planned Environment Unit, subject to conditions; and,

WHEREAS, the Planning and Zoning Committee, having considered the request, recommended its approval with changes forwarded to the City Council of the City of Chesterfield as contained in Attachment "A".

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

Section 1. The City of Chesterfield Zoning Ordinance and Official Zoning District Maps, which are a part thereof, are hereby amended by transferring from the "NU" Non-Urban District to the "R-2" 15,000 square foot Residence District with a Planned Environment Unit Procedure for a 12.6 acre tract of land located on the north side of Wild Horse Creek Road, approximately 250 feet east of Wilson Road located within the City of Chesterfield and described as follows:

A tract of land being part of U.S. Survey 125 in Township 45 North Range 4 East in St. Louis County, Missouri, and being more particularly described as follows:

Beginning at a point in the North right-of-way line of Wildhorse Creek Road, 60' wide, also being in the southwest corner of the subdivision of Hi-Point Hills, Plat 3 as recorded in Plat Book 14 of the St. Louis County, Missouri Recorder of Deeds Office also being the southeast corner of a tract conveyed to Mary R. Hegarty said tract of land is described in Deed Book 2560, Page 358 of

St. Louis County, Missouri Recorder of Deeds Office; thence also said Wildhorse Creek Road, south 52 degrees 58 minutes 12 seconds west, a distance of 131.80 feet to a point; thence continuing south 53 degrees 03 minutes 12 seconds west, a distance of 164.14 feet to a point; thence leaving said road north 32 degrees 17 minutes 12 seconds west, a distance of 1985.40 feet to a point in the south line of a tract conveyed to Chesterfield Village, Inc., per deed recorded in Deed Book 7886, Page 1361 of the St. Louis County, Missouri Recorder of Deeds Office; thence south 89 degrees 20 minutes 12 seconds east, a distance of 504.15 feet to a point; thence south 24 degrees 24 minutes 47 seconds east, a distance of 742.25 feet to a point; thence north 77 degrees 00 minutes 24 seconds east, a distance of 104.09 feet to a point in the west line of Hi-Point Hills, Plat as recorded in Plat Book 175, Page 76 of the St. Louis County, Missouri Recorder of Deeds Office; thence south 01 degrees 23 minutes 45 seconds east, a distance of 71.91 feet to a point; thence continuing south 34 degrees 43 minutes 49 seconds east, a distance of 535.35 feet to a point in the northeast corner of said Mary Hegarty tract; thence south 34 degrees 49 minutes 25 seconds east, a distance of 349.90 feet to the Point of Beginning and containing 12.60 acres.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted subject to all of the ordinance's rules and regulations, and the specific conditions as recommended by the Planning and Zoning Committee 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 of Chesterfield, pursuant to the petition filed by DLC Development Company in P.Z. 3 and 4-93, requesting the amendment embodied in this ordinance, and pursuant to the amendment embodied in this ordinance and pursuant to the recommendations of the City of Chesterfield Planning and Zoning Committee that said petition be granted and that after a public hearing, held by the Planning Commission on February 22, 1993, do 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 powers pertaining to planning and zoning.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 17TH day of MAY, 1993.

John Leonard
MAYOR

ATTEST:

Martha S. DeMay
CITY CLERK

ATTACHMENT A

1. PERMITTED USES

This Planned Environment Unit (PEU) authorizes the development of a maximum of thirty (30) detached single-family residences.

2. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to site preparation, the developer shall submit to the Planning Commission for its review and approval, a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended by the Planning Commission in accordance with requirements of Section 1003.187 of the City of Chesterfield Zoning Ordinance.

3. GENERAL CRITERIA

The Site Development Plan shall include the following:

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating the basic location, size and arrangement of single-family lots, roadways on and adjacent to the property, setback lines and, if appropriate, a typical lot with minimum and maximum lot sizes.
- c. The location and size of all right-of-way dedications and the pavement widths of all roadway improvements and internal drives.
- d. The location and size of all freestanding signs, lighting, fences, sidewalks and other above-ground structures including retaining walls in common areas.
- e. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- f. A preliminary plan for storm water and sanitary sewer facilities.
- g. Density calculations.
- h. Zoning district lines.

- i. Building and parking setbacks.
- j. A landscape plan including, but not limited to, the location, minimum size and general type of all plant materials to be used.
- k. A noise impact disclosure statement.
- l. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.

Lot Sizes

- a. The minimum lot sizes shall be 12,000 square feet for all lots within this development.

Building and Structure Setbacks

- b. Front yard: Minimum setback shall be twenty (20) feet from the road right-of-way.

Should the developer choose to exercise the option of reducing the right-of-way width by ten (10) feet whereby the placement of required sidewalks would be within a five (5) foot wide sidewalk, maintenance, utility and roadway widening easement, the minimum setback shall be increased by five (5) feet.

- c. Side yard: Eight (8) feet.
- d. Rear yard: Fifteen (15) feet.

Access and Roadway Improvements, Including Sidewalks

- e. Access shall be via one (1) curb cut onto Wild Horse Creek Road (State Route CC) in accordance with Missouri Highway and Transportation Department and City of Chesterfield design standards. It is noted that standard intersection construction cannot be accomplished within the existing forty (40) foot wide easement shown for Wildhorse Spring Drive at Wild Horse Creek Road. Therefore, right-of-way or easement dedication will be required to construct the required standard street intersection to serve this development.

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- f. Provide a sidewalk or stabilized shoulder adjacent to Wild Horse Creek Road as directed by the Missouri Highway and Transportation Department and the City of Chesterfield.
- g. Conform to the entrance design and drainage design requirements of the Missouri Highway and Transportation Department regarding Wild Horse Creek Road (State Route CC) in this area.
- h. Internal streets, drives, and sidewalks shall be in accordance with the City of Chesterfield Subdivision Regulations. Access to properties to the east and west of the subject development shall be provided via stub streets from Wildhorse Spring Drive in locations as directed by the City of Chesterfield.

The main street serving this development from Wild Horse Creek Road shall terminate in a cul-de-sac and not directly interconnect with the Chesterfield Farms/Chesterfield Farms Estates development to the north. Emergency access between (or to) the Chesterfield Farms/Chesterfield Farms Estates development shall be provided as required by the City of Chesterfield.

- i. Sidewalks shall be provided in accordance with Section 1005.270 of the City of Chesterfield Subdivision Regulations.

Sidewalks around the cul-de-sacs shall be placed in accordance with the subdivision regulations.

- j. No residential entrance to Wild Horse Creek Road will be permitted from any lot within the subdivision.
- k. A left turn bay shall be provided on Wild Horse Creek Road (State Route CC) per MHTD design standards as required by MHTD and the City of Chesterfield.
- l. Dedicate right-of-way along Wild Horse Creek Road (State Route CC) for proper roadway maintenance to accommodate any needed widening of Route CC.

4. SITE DEVELOPMENT PLAN DESIGN CRITERIA

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

- m. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide the required sight distance as directed by the Missouri Highway and Transportation Department.
- n. Installation of Landscaping and Ornamental Entrance Monument if proposed, shall be reviewed by the Missouri Highway and Transportation Department and the City of Chesterfield for sight distance considerations and approved prior to installation or construction.
- o. 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 also 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.
- p. The developer shall contribute to the Chesterfield Village Road Traffic Generation Assessment Trust Fund. This contribution 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 Space	\$552.96/Parking Space
(Parking space as required by Section 1003.165 of the St. Louis County Zoning Ordinance.)	

If types of development proposed differ from those listed, rates shall be provided by the Department of Highways and Traffic.

As the development is located within a trust fund area established by St. Louis County 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, 1994, 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.

Portions of the developer's required improvements (i.e., left turn bay on Wild Horse Creek Road, if required) will be allowed as credit toward the developer's Trust Fund contribution. Due to the cost of the necessary improvements, the developer's Trust Fund contribution may be exceeded. Therefore, the developer may be reimbursed from the Chesterfield Village Traffic Generation Assessment Trust Fund for all creditable required improvement costs in excess of the Trust Fund contribution.

- q. Traffic generation assessment contributions shall be deposited with St. Louis County through standard escrow procedure prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution through standard escrow procedure prior to issuance of building permits for each phase of development. The traffic generation assessment contribution shall be deposited with St. Louis County in the form of a cash escrow.
- r. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be 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.
- s. As the tract abuts a roadway under the jurisdiction of the Missouri Highway and Transportation Department, sidewalks along the tract must be placed in a public easement outside of the State right-of-way. Maintenance of sidewalks along State highways must be the responsibility of the property owners or the City of Chesterfield.

Landscape Requirements

- t. 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 four (4) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
- u. Retention of existing tree masses and individual trees shall be provided for. Trees to be retained and all proposed landscaping shall be depicted on the site development plan. Prior to the preparation of the site for development and the approval of a site development plan, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval.
- v. All landscape improvements shall be escrowed along with standard subdivision improvements.

Miscellaneous Improvements

- w. Except for required street lighting, no source of illumination shall be so situated that light is cast on any public right-of-way or adjoining property. Lighting shall be required in compliance with the City of Chesterfield Subdivision Ordinance.
- x. Any signs shall be erected in accordance with Section 1003.168A Sign Regulations for "FP", "PS", "NU", and all "R" Districts.
- y. Parking requirements for this "PEU" shall be in accordance with Section 1003.165 of the City of Chesterfield Ordinance.

5. VERIFICATIONS PRIOR TO APPROVAL

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

Stormwater

- a. Submit to the Planning Commission a preliminary engineering plan approved by the Department of Public Works showing that adequate handling of the stormwater drainage of the site is provided.

1. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
2. All stormwater shall be discharged at an adequate natural discharge point.
3. Detention is to be provided on-site. Detention of differential runoff of stormwater is required by providing permanent detention facilities, such as dry reservoirs, ponds or another acceptable alternative.

The detention facilities shall be completed and in operation prior to issuance of building permits exceeding sixty percent (60%) of the approved dwelling units. If development is to be phased, detention facilities shall be constructed in areas, as required and approved by the City of Chesterfield, prior to the issuance of building permits exceeding sixty percent (60%) of the approved dwelling units in the plat or phase excluding those building permits for display units.

4. A flood plain study, if necessary, shall be submitted to the Chesterfield Department of Public Works and MSD for review and approval.

Roadway Improvements and Curb Cuts

- b. Provide verification of approval by the Missouri Highway and Transportation Department of the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

Geotechnical Report

- c. Provide a geotechnical report, as required by the Department of Public Works, to be prepared by a professional engineer licensed in the State of Missouri. Said report shall verify the adaptability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed by the Geotechnical Engineer preparing the report, shall be included on the Site Development Plan.

Sanitary Sewers

- d. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.

- e. A sanitary sewer connection to existing sewers to the west shall be required. Off-site easements may also be required.

Steep Grade Approval

- f. If steep grade approval is required for this site, a note shall be included on the site development plan and provided to all prospective buyers indicating that priority snow removal may not be given to this site. Additionally, prior to Site Development Plan approval, the Department of Public Works must review and approve justification for steep grades. The plan should indicate if proposed streets are to be dedicated as public or private.

6. RECORDING

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

7. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit, other than in accord with an approved Display Plat, the following requirements shall be met:

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds, as above, for each plat or phase of development.
- b. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication and access requirements commensurate with each phase of development as required by the Missouri Highway and Transportation Department and the City of Chesterfield.

Notification of Department of Planning

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

Certification of Plans

- d. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall 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.

8. GENERAL DEVELOPMENT CONDITIONS

- a. Within two (2) years of the date of approval of the Site Development Plan by the Planning Commission, construction shall commence. Said time may be extended one additional year on approval by the Planning Commission.
- b. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required.
- c. 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 provided.
- d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to accommodate heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.
- e. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas should be 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.

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- f. A copy of the most recently approved Site Development Plan for this PEU development shall at all times be prominently displayed in all display area sales offices within this development.
- g. If roadways are to be private, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever. The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accord with the provisions of Section 1003.265 of the City of Chesterfield Subdivision Ordinance.
- h. Maintenance of subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer, until such time as the streets are accepted for maintenance by the City of Chesterfield.
- i. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- j. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans approved by the Planning Commission and the Department of Planning.