

RESOLUTION # 1207

WHEREAS, John A. and Laverne Reuther, filed with the City of Chesterfield, through its Planning Commission, a request for a Conditional Use Permit in the "NU" Non-Urban District for a tract of land approximately .23 acres in size on Reuther Drive, northwest of Wild Horse Creek Road in petition P.Z. 8-92; and

WHEREAS, this property is currently zoned "NU" Non-Urban District and is undeveloped. The Petitioner proposes a Conditional Use Permit for a local public utility facility/tower with conditions; and

WHEREAS, the Planning Commission of the City of Chesterfield held a public hearing with regard to the requests of the Petition and approved said Conditional Use Permit for a local public utility facility/tower with conditions; and

WHEREAS, the City Council has exercised the power of review in accordance with the City of Chesterfield Zoning Ordinance and said matter has been referred to the City Council of the City of Chesterfield for approval pursuant to the Zoning Ordinance of the City of Chesterfield.

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

That after consideration and review and upon a roll call vote of the members of the City Council of the City of Chesterfield it is hereby resolved that a Conditional Use Permit in the "NU" Non-Urban District for a .23 acre parcel of property located on Reuther Drive, northwest of Wild Horse Creek Road described as follows:

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

Beginning at a point in the Northeastern line of property of Anton Reuther at the most northern corner of tract conveyed to Lawrence W. Reuther by deed recorded in Book 2791 at Page 461 in the office of the Recorder of Deeds, St. Louis County, Missouri, said point of beginning being also North 32 degrees, 13 minutes West 1068.94 feet from the centerline of Wild Horse Creek Road; thence along the said Northeast line of said Anton Reuther tract, North 32 degrees, 13 minutes West, 418.84 feet to the most Northern corner of a tract conveyed to John A. and Laverne Reuther H/W by deed recorded in Book 3161 at Page 533 in the Office of the Recorder of Deeds, St. Louis County, Missouri; thence South 57 degrees, 47 minutes West along the Northwestern line of said John Reuther tract, 250.85 feet to the PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: thence; South 32 degrees, 13 minutes East, 60.00 feet to a point, thence; South 57 degrees, 47 minutes West, 168.00 feet to a point in the Southwestern line of a tract conveyed to John A. and Laverne Reuther H/W by Deed recorded in Book 6461 at Page 35 in the Office of the Recorder of Deeds, St. Louis County, Missouri, thence; North 32 degrees, 13 minutes West, along said Southwestern line, 60.00 feet to the most Western corner of said John Reuther tract, thence; North 57 degrees, 47 minutes East, along the Northwestern line of said John Reuther tract, 168.00 feet to the place of beginning. This lease area contains 10,080 Square Feet.

Also a 20 feet wide Roadway and Utility Easement, along and parallel to the Northwestern property line of said John Reuther tract connecting the Existing 50 feet wide Road Easement to the above described tract of land.

and as embodied in P.Z. 8-92 presented to the Planning Commission of the City of Chesterfield is hereby approved subject to the conditions as set out on Attachment "A" which is attached hereto and made a part hereof as if fully set out herein.

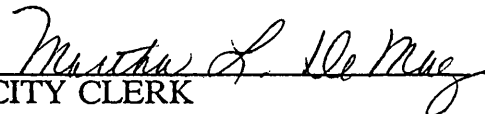
BE IT FURTHER RESOLVED, that the Mayor and City Clerk shall execute on behalf of the City all documents required by the Zoning Ordinance of the City of Chesterfield to reflect the approval of the City of Chesterfield of the said Conditional Use Permit.

Passed and approved this 19TH day of OCTOBER, 1992.



MAYOR

ATTEST:



CITY CLERK

[PZ8-92.RES]

ATTACHMENT A

PERMITTED USES

Use authorized by this Conditional Use Permit shall be limited to a cellular telephone tower not to exceed a total height of 690 feet MSL and accessory building and facilities. The tower shall be a lattice type structure of high visibility orange and white color, and lighted.

SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within twelve (12) months of the effective date of this Conditional Use Permit and prior to site development, the petitioner or developer shall submit to the Planning Commission for review and approval, a site development plan. Where due cause is shown by the developer/petitioner, this time interval may be extended to appeal to, and approval by, the Planning Commission.

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 a basic location, size and arrangement of lots and roadways on, and adjacent to, the property, setback lines.
- c. Existing and proposed contours at vertical intervals of not more than two (2) feet.
- d. A landscape plan including, but not limited to, the location, type and general size of all plant materials to be used.
- e. Design, location and size of all proposed lighting and fences.
- f. Roadways and driveways on and adjacent to the property in question.

SITE DEVELOPMENT PLAN DESIGN CRITERIA

The site development plan shall adhere to the following specific design criteria.

- a. **Building and Area Structure Setback**

Structure setbacks shall be as required by the "NU" Non-Urban District regulations.

b. **Parking and Loading Drives - Setbacks**

Parking space and internal drive setbacks at set points of ingress and egress shall be as required in the "NU" Non-Urban District regulations.

c. **Minimum Requirements**

Minimum parking requirements shall be one (1) parking space.

d. **Access**

Access to the proposed facility shall be as directed by the City of Chesterfield.

e. **Landscape Requirements**

Either as part of the development plan, or a separate drawing to be reviewed as with said plan, a landscape plan shall be submitted to comply with the following:

1. All new deciduous trees shall be a minimum of 2½ (two and one-half) inches in caliper.
2. All new evergreen trees shall be a minimum of 4 (four) feet in height, and all shrubs shall be a minimum diameter of eighteen (18) inches.
3. If the estimated cost of new landscaping indicated on the site development plan, as required by the Planning Commission, exceeds \$1,000, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow in sufficient amount to guarantee installation of said landscaping.
4. Upon the release of a Landscape Installation Bond, a two (2) year Landscape Maintenance Bond shall be provided to the City.

f. **Miscellaneous**

Elevations of the accessory building shall be as approved by the Planning Commission.

5. SIGNS

Directional and Information Signs

- a. Directional and information signs shall be permitted in accordance with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance pertaining to the "NU" Non-Urban District.
- b. No advertising signs or business signs shall be permitted.

6. LIGHTING REQUIREMENTS

Location of any lighting shall be as approved by the Planning Commission on the site development plan. No outside illumination source shall exceed sixteen (16) feet in height, or be so situated as the light is cast directly on adjoining properties.

7. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to approval of a site development plan the petitioner shall provide verification of approval by the Federal Aviation Agency of the location and height of the tower.

8. RECORDING

Prior to issuance of a building permit, a permit authorizing use of the property, a copy of the conditions and legal description of the permit shall be recorded with the St. Louis County Recorder of Deeds.

9. VERIFICATION PRIOR TO BUILDING PERMITS

Subsequent to approval of site development plan prior to the issuance of any building permits, the developer should provide the following:

- a. Prior to issuance of foundation and building permits all approvals from the Department of Planning, the Department of Public Works, and other appropriate agencies, shall be provided.

10. GENERAL DEVELOPMENT CONDITIONS

- a. A grading permit is required prior to any grading on the site. No change in water shed shall be permitted.
- b. Stormwater drainage control in the form of siltation control measures are required.

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- 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.
- d. The Zoning Enforcement Officer of the City of Chesterfield shall enforce the conditions of this Conditional Use Permit in accordance with the site development plan approved by the Planning Commission.

[PZ8-92A.727]