

RESOLUTION #98

WHEREAS, Maurice L. Hirsch, Jr. 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 12.0 acres in size on the north side of Wild Horse Creek Road approximately 1,000 feet east of Chesterfield Oaks Drive in petition P.Z. 13-90; and

WHEREAS, this property is currently zoned "NU" Non-Urban District and contains private breeding and training facilities for horses. The Petitioner proposes a Conditional Use Permit for the commercial boarding, breeding and training of horses and other related activities; and

WHEREAS, the Planning Commission of the City of Chesterfield held a public hearing with regard to the requests of the Petitioner and approved said Conditional Use Permit for the commercial boarding, breeding and training of horses and other related activities with conditions; and

WHEREAS, said Planning Commission procedures authorize a review of the conditions attached to the Conditional Use Permit by the Petitioner and other parties and after considering the submitted comments the Commission again reaffirmed their approval with minor modifications and therefore send to the City Council its recommendation; and

WHEREAS, a valid protest was filed 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 Council of the City of Chesterfield it is hereby resolved that a Conditional Use Permit in the "NU" Non-Urban District for a 12.0 acre parcel of property located on the north side of Wild Horse Creek Road approximately 1,000 feet east of Chesterfield Oaks Drive described as follows:

A tract of land in U.S. Surveys 102 and 169, Township 45 North, Range 3 East, St. Louis County, Missouri, being more particularly described as follows:

Commencing at the intersection of the Southwest line of property now or formerly of Sophie K. Calvert, as described in deed recorded in Book 6548, Page 2272 of the St. Louis County Records with the Northwest line of Wild Horse Creek Road, 60 feet wide; thence Southwestwardly along said Northwest line of Wild Horse Creek Road south

55 degrees 23 minutes 33 seconds West, 50.02 feet to the point of beginning of the herein described tract of land; thence continuing Southwestwardly along said last mentioned line South 55 degrees 23 minutes 33 seconds West, 441.25 feet to a point; thence leaving aforesaid Road line and running North 22 degrees 44 minutes 30 seconds West, 168.19 feet to a point, said point being on the centerline of Tuma, 50 feet wide, private roadway easement; thence continuing along said line North 01 degree 39 minutes 15 seconds East, 199.07 feet; North 18 degrees 15 minutes 00 seconds West, 73.96 feet; North 51 degrees 42 minutes 15 seconds West, 78.83 feet; North 84 degrees 45 minutes 30 seconds West, 129.62 feet; South 89 degrees 52 minutes 15 seconds West, 312.56 feet; South 87 degrees 18 minutes 09 seconds West, 185.21 feet; North 59 degrees 55 minutes 57 seconds West, 74.20 feet; North 37 degrees 30 minutes 03 seconds West, 131.14 feet; North 03 degrees 27 minutes 09 seconds West, 51.15 feet; North 48 degrees 09 minutes 45 seconds East, 143.01 feet and North 18 degrees 35 minutes 39 seconds East, 84.58 feet to the end of aforesaid 50 feet wide roadway easement; thence continuing North 85 degrees 43 minutes 30 seconds East, 101.54 feet; North 77 degrees 23 minutes 39 seconds East, 585.69 feet and South 33 degrees 06 minutes 30 seconds East, 869.39 feet to the point of beginning containing 12.0 more or less Acres.

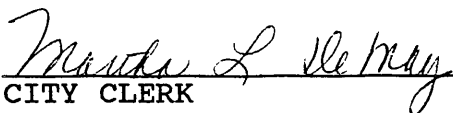
and as embodied in P.Z. 13-90 presented the Planning Commission of the City of Chesterfield is hereby approved subject to the conditions as set out on Attachment "A" which is attached hereto and made a part hereof as if fully set out herein.

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 21ST day of JANUARY, 1990.


MAYOR

ATTEST:


CITY CLERK

P.Z. 13-90
Maurice L. Hirsch, Jr.
January 14, 1991

ATTACHMENT A

1. PERMITTED USES

This Conditional Use Permit shall authorize a riding stable, to include the boarding, training and riding of horses, but excluding the hire of such animals.

2. FLOOR AREA AND BUILDING REQUIREMENTS

The uses permitted by this Conditional Use Permit shall be contained in one (1) free-standing building with a maximum gross floor area not in excess of 7000 square feet. The maximum number of stalls allowed shall be twenty-eight (28).

3. FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT

Within twelve (12) months of the date of approval of the preliminary development plan by the City Council and prior to issuance of any building or occupancy permit, the petitioner shall submit to the Planning Commission for its review and approval, a Final Development Plan. Where due cause is shown by the petitioner, this time interval may be extended through appeal to, and approval by, the Planning Commission. Said Final Development Plan shall include, but not be limited to, the following:

- a. The location and size of all proposed structures.
- b. Existing and proposed contours at two (2) foot intervals.
- c. Location and size of all parking and vehicular storage areas.
- d. Roadways and driveways on, and adjacent to, the property in question.
- e. The type, location and size of all proposed lighting and fences, signs and trash areas.
- f. A landscape plan including, but not limited to, the location, size and general type of all plant and other material to be used, and the location of all existing vegetation to remain.
- g. Building exteriors, including material, color and texture, shall blend with the surrounding area. The architectural elevations shall be as approved by the Planning Commission.

FINAL DEVELOPMENT PLAN DESIGN CRITERIA

Setbacks

- a. The riding stable structure authorized by this Conditional Use Permit shall be set back a minimum of 100 feet from all limits of this C.U.P.
- b. All other buildings, parking stalls or structures within this C.U.P., other than fences six (6) feet in height or less, shall be set back a minimum of:
 - (1) twenty (20) feet from the northeast property line;
 - (2) fifty (50) feet from the right-of-way line of Wild Horse Creek Road and from the private roadway easement; and
 - (3) one-hundred (100) feet from the northwest property line.

Off-Street Parking & Loading Requirements

- c. All off-street parking and loading requirements shall be in accordance with Section 1003.165 Off-Street Parking Regulations of the Zoning Ordinance. All driveways and parking areas shall be maintained in a dust-free condition.

Access

- d. Access to the development shall be as directed by the Missouri Highway and Transportation Department and the City of Chesterfield.

Road Improvements and Sidewalks

- e. Conform to the requirements of the Missouri Highway and Transportation Department and the City of Chesterfield regarding Wild Horse Creek Road. As approved by the Planning Commission on the site development plan, Tuma Lane should be widened to twenty (20) feet up to the last (west) entrance/exit of the subject tract. However, in areas where trees may be damaged due to widening a sixteen (16) foot wide pavement may be provided. Construction materials for the road shall be as approved by the Chesterfield Department of Public Works.

Lighting Requirements

- f. Exterior lighting shall be for security purposes only. The lighting of outdoor riding and pasture areas is specifically prohibited. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways.

Landscape Requirements

- g. Landscaping shall be as approved by the Planning Commission on the Site Development Plan.
- h. Existing vegetation shall be retained within perimeter setbacks to the maximum extent possible.
- i. Evergreen trees shall be added along the southwestern portion of the tract near Tuma Lane.
- j. All new deciduous trees shall be a minimum of two and one-half inches (2 1/2") 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.

Miscellaneous Conditions

- k. Sign regulations shall be the same as those specified in Section 1003.113 "NU" Non-Urban District Regulations of the Chesterfield Zoning Ordinance. One directional sign shall be installed at the entrance of the subject tract from Tuma Lane to identify the location of the stables.
- l. All exterior trash areas shall be surrounded by a six (6) foot high sight-proof fence.
- m. All fences and gates on the subject site shall be as approved by the Planning Commission on the site development plan. All gated areas shall have cattle guards installed. Gates may be manually operated.
- n. The retail sale of riding apparel and other equipment and supplies related to the riding and training of horses shall be prohibited.
- o. The staging of horse riding shows, exhibitions, competitions, or other events open to the general public, shall be prohibited.
- p. No outdoor public address system or similar device shall be used in conjunction with this C.U.P. development.
- q. All rooftop mechanical equipment shall be screened.
- r. The riding of all horses shall be contained on the subject tract.
- s. Height limitations shall be in accord with those regulations for the "NU" Non-Urban District.
- t. Maintenance of Tuma Lane from Wild Horse Creek Road to the last (west) entrance/exit, shall be provided by the operator of this facility. This shall include snow removal.

- u. Substantial work on construction shall commence within two (2) years of the effective date of the permit, unless such time period is extended through appeal to, and approval by, the Planning Commission. If no extension of time is received or granted within six (6) months subsequent to the two (2) year period following the effective date of the Conditional Use Permit, the permit shall terminate.

5. VERIFICATION PRIOR TO SITE DEVELOPMENT PLAN APPROVAL

Prior to the approval of the site development plan, the petitioner shall:

Stormwater

- a. Submit to the Department of Planning a preliminary engineering plan approved by the Department of Public Works and MSD, showing that adequate handling of the stormwater drainage 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 of differential runoff of stormwater is required by providing permanent detention facilities such as: dry reservoirs, ponds or other acceptable alternatives, as determined by the City of Chesterfield.

Sanitary Sewers

- b. Verify approval from MSD and the Department of Public Works of the handling of sanitary sewage at this development. A septic tank approval may be needed for this site from MSD.

Road Improvements and Curb Cuts

- c. Provide verification of approval by this Missouri Highway and Transportation Department of the location of proposed curb cuts, areas of new dedication, and roadway improvement.

Geotechnical Report

- d. A geotechnical report shall be submitted, as determined by the City of Chesterfield Department of Public Works.

6. RECORDING

Within sixty (60) days of approval of the site development plan, a copy of the conditions and legal description of this permit 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, the following requirements shall be met:

Landscape Bonds

- a. If the estimated cost of required landscaping is in excess of \$1,000, the developer shall furnish a two (2) year landscape bond in an amount to guarantee the installation of all landscaping required on the site development plan. Said bond shall be based on costs determined by a plant nursery and approved by the Department of Planning.

Notification to the Department of Public Works

- b. Prior to the issuance of foundation or building permits, all approvals from the Department of Public Works, the Metropolitan St. Louis Sewer District, and the Missouri Highway and Transportation Department must be received by the Department of Planning/Economic Development.

Road Improvements

- c. Prior to the issuance of occupancy permits, improvements to Wild Horse Creek Road must be completed, as necessary.

8. GENERAL DEVELOPMENT CONDITIONS

- a. The delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
- b. 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 driveway conditions.
- 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. A grading permit is required prior to any grading on the site. No change in watershed shall be permitted.
- e. Interim stormwater drainage control in the form of siltation control measures are required.

- f. 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.
- g. No outdoor incineration shall be permitted.
- h. The uses permitted herein shall be operated in conformance with the performance standards contained in Section 1003.163 of the Chesterfield Zoning Ordinance which relate to noise and air pollution.
- i. Failure to comply with any or all the conditions of this permit shall be adequate cause for revocation of a permit by issuing City or County Departments or City Commissions.
- j. Any transfer of ownership or lease of property shall include in the transfer or lease agreement, a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth, and included in the approved development plan for the property. A copy of the above conditions shall be furnished by the owner or petitioner to the operator(s), owner(s), or manager(s), including successive operator(s), owner(s), or manager(s), who shall forward to the Zoning Enforcement Officer an acknowledgement that he or she has read and understood each of these conditions and agrees to comply therewith.
- k. The Zoning Enforcement Officer of the City of Chesterfield, Missouri, shall enforce the conditions of this permit in accord with the Site Development Plan approved by the City of Chesterfield Planning Commission.