

BILL NO. 2527

ORDINANCE NO. _____

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 DISTRICT FOR A 4.0 ACRE TRACT OF LAND LOCATED ON WINTER WHEAT ROAD, 3,000 FEET SOUTHEAST OF THE INTERSECTION OF WILDHORSE CREEK ROAD AND LONG ROAD. (P.Z. 5-2005 WINTER WHEAT PLACE/DOLLAR BUILDING COMPANY)

WHEREAS, the petitioner, Dollar Building Company, has requested a change in zoning from “NU” Non-Urban District to “E” One Acre District for a 4.0 acre tract of land located on Winter Wheat Road, 3,000 feet southeast of the intersection of Wild Horse Creek Road and Long Road; and,

WHEREAS, the Planning Commission held a public hearing on June 13, 2005 to consider the matter; and,

WHEREAS, P.Z. 5-2005 was considered by the Planning Commission and recommended for approval by a vote of 6-1; and,

WHEREAS, a protest petition was heard at the March 8, 2007 meeting of the Planning and Zoning Committee; and,

WHEREAS, the Planning and Zoning Committee, upon consideration of the request for “E” One Acre District zoning, recommended denial of P.Z. 5-2005 Winter Wheat Place by a vote of 4-0, with a recommendation that the Petitioner consider “LLR” Large Lot Residence District zoning; and,

WHEREAS, at its April 16, 2007 session, the City Council referred P.Z. 5-2005 Winter Wheat Place to Planning and Zoning Committee for further discussion and review; and,

WHEREAS, after discussion of the requirements of “E” Districts and “LLR” District zonings, a recommendation to forward P.Z. 5-2005 Winter Wheat Place to City Council with a recommendation of LLR zoning and to direct Staff to prepare the appropriate legislation tied with a vote of 2-2; and,

WHEREAS, the City Council, having considered the merits of the “E” Districts and the “LLR” Large Lot Residence District designation, voted to approve rezoning from “NU” Non-Urban to “E” One Acre District.

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

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 an “NU” Non-Urban District to a “E” One Acre District for a 4.0 acre tract of land located on Winter Wheat Road, 3,000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. A description of the subject site is as follows:

PROPERTY DESCRIPTIONS

A tract of land being part of that parcel conveyed to “The Wild Bunch” by deed recorded in Book 6725, page 634 of the St. Louis County Records, situated in U.S. Survey 886, Township 45 North-Range 4 East, in the City of Chesterfield, St. Louis County, Missouri being more particularly described as:

Beginning at a point on the eastern line of Lot 39 of “Country Place at Chesterfield Plat One”, a subdivision according to plat thereof recorded in Plat Book 249, page 39 of the St. Louis County Records at the southwestern corner of a tract of land conveyed to Ebello and Norma Pasia by deed recorded in Book 6753, page 75 of the St. Louis County Records, thence along Pasia’s southern line, South 89 degrees 54 minutes 27 seconds East 303.23 feet to the northwestern corner of a tract of land conveyed to Dennis Walsh, Etal. By deed recorded in Book 9435, page 666 of the St. Louis County Records, thence along Walsh’s western line, South 04 degrees 31 minutes 28 second West 169.87 feet to a point; thence South 25 degrees 40 minutes 59 seconds East 75.26 feet to a point; thence South 01degree 01 minute 43 seconds east 316.00 feet to a point on the northern line of Parcel 1 of those tracts of land conveyed to Thomas Fleming, Trustee by deed recorded in Book 11949, page 1634 of the St. Louis County Records, thence along Fleming’s northern line, South 86 degrees 55 minutes 19 seconds West 319.39 feet to a point on the eastern line of Lot 80 of “Country Place of Chesterfield Plat Three”, a subdivision according to plat thereof recorded in Plat Book 263, Page 67 of the St. Louis County Records; thence along the eastern line of said subdivision, North 00 degrees 55 minutes 22 seconds West 570.82 feet to the point of beginning, containing 4.00 acres according to a survey by Volz, Inc. during the month of October, 2004.

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.

Section 3. The City Council, pursuant to the petition filed by Dollar Construction in P.Z. 5-2005 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 hearings, held by the Planning Commission on the 13th day of June 2005, 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 _____ day of _____, 2007.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

ATTACHMENT A

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

- 1.2 Adherence to the Plan
- 2.1 Quality Residential Development
 - 2.1.1 Conservation of Existing Quality of Life
 - 2.1.3 Encourage Preservation of Existing Residential Neighborhoods
 - 2.1.4 Compatible In-Fill Residential Construction
- 7.2.9 Access Management
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Concept Plan shall be limited to those conditions specified in Section A, General Criteria-Concept Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. Definitions

1. **Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**
2. **A Site Development Section Plan is a plan for development for sections of the overall concept plan.**
3. **Site Development Plan is a plan for development in planned districts that is being done in one phase.**

C. PERMITTED USES

1. The use allowed this E One Acre District shall be:
 - a. Three (3) Detached single family homes
2. The above uses in the E One Acre District shall be restricted as follows:
 - a. The average lot size shall be 1.3 acres.

- b. The minimum lot size shall be no less than twenty-two thousand (22,000) square feet.

D. LOT SIZE, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. HEIGHT

- a. The maximum height of the detached single family homes shall be fifty (50) feet.

E. STRUCTURE SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than a freestanding subdivision monument sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Seventy-five feet from the northern boundary (N0°55'22"W) of the "E-One Acre" District.
- b. The Site Development Plan shall provide clearing lines for each lot which shall in total meet the 39% preserved woodland as set out in G.1.

2. LOT CRITERIA

In addition to the above-referenced requirements, no building or structures other than boundary and retaining walls, light standards, flag poles or fences, the following lot criteria shall apply:

- a. Front yard: Twenty-five (25) feet from the Winter Wheat Road easement on the western boundary of the "E-One Acre" District.
- b. Side yard: Twenty (20) feet from the side property line.
 - i. A minimum of forty (40) feet must be maintained between structures.
- c. Rear yard setback: Twenty-five (25) feet from the rear property line.

F PARKING REQUIREMENTS

1. Parking for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - b. No construction related parking shall be permitted within the Winter Wheat Drive roadway easement.

G. LANDSCAPE AND TREE REQUIREMENTS

1. A minimum of 39% of the existing tree cover shall be maintained.
2. The development of the subject site shall adhere to the requirements of the City of Chesterfield Tree Manual.
3. Driveways and parking in the proposed development shall be located in such a way that Tree #3, Tree#7 and Tree #9 and their root systems are not disturbed or destroyed.
4. Provide tree protection techniques such as fencing and possible branch pruning toward new house, and root pruning or others as directed by the City of Chesterfield in order to preserve Tree #22 or Tree #24.

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations prior to installation or construction.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

I. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

J. ACCESS/ACCESS MANAGEMENT

1. Provide a fifty (50) foot wide private roadway easement or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties that currently utilized Winter Wheat Road for access.

K. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide all easements or other legal instruments necessary to provide for the required improvements to Cripple Creek Road and Winter Wheat Road.
2. Improve Winter Wheat Road along the entire frontage of the site to provide a 24 foot wide pavement, and storm drainage facilities, as directed by the Department of Public Works. The existing pavement shall be cored to verify that it meets City Standards. If it is determined that the existing pavement section does not meet City standards, the existing pavement will have to be brought up to City standards, as directed by the Department of Public Works. This work may include adding an asphalt overlay or may involve the complete reconstruction of the road.
3. Improvements to Winter Wheat Road and Cripple Creek Road shall be completed prior to the issuance of building permits exceeding 60% of the approved dwelling units. Delays due to utility relocation and/or adjustment, for which the developer is responsible monetarily, shall not constitute a cause to issue permits in excess of 60%.
4. Improve Cripple Creek Road along the entire frontage of the site and through the intersection with Wild Horse Ridge Road to provide for ½ of a 24 foot wide pavement section and storm drainage facilities, as directed by the Department of Public Works. The existing pavement shall be cored to verify that it meets City standards. If it is determined that the existing pavement section does not meet City standards, the existing pavement shall be brought up to City

standards, as directed by the Department of Public Works. This work may include adding an asphalt overlay or may involve the complete reconstruction of the road.

L. TRAFFIC STUDY

Provide a traffic study as directed by the City of Chesterfield. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

M. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan 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 of the site plan. The City Council will then take appropriate action relative to the proposal.

N. STORMWATER AND SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, as directed by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.
3. Detention/retention and other storm water quantity and quality management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The

location and types of storm water management facilities shall be identified on the Site Development Plan.

O. ROADWAY IMPROVEMENTS AND CURB CUTS.

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

P. GEOTECHNICAL REPORT.

Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on the Site Development Plan.

Q. MISCELLANEOUS

1. 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.
2. 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.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS AND SITE DEVELOPMENT CONCEPT PLANS

- A. The developer shall submit a Site Development Plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- B. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.
- C. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

- D. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA – SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. Site Development Plan shall include, but is not limited to, the following:
1. Location map, north arrow, and plan scale. The scale shall be no greater than 1 inch equals 100 feet.
 2. Outboundary plat and legal description of the property.
 3. Density Calculations, including the square footage of each lot.
 4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
 5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
 6. Zoning District lines and floodplain boundaries.
 7. A note indicating all utilities will be installed underground.
 8. A note indicating signage approval is a separate process.
 9. The location of all buildings, including size, height and square footage.
 10. Specific structure and parking setbacks along all roadways and property lines.
 11. Provide the greenspace percentage for each lot on the plan.

12. Provide open space percentage.
13. Address trees and landscaping in accordance with the City of Chesterfield Code.
14. Provide a lighting plan in accordance with the City of Chesterfield Code.
15. Floodplain boundaries.
16. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
17. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.
18. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
19. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
20. Indicate the location of proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
21. Size and approximate location of existing and proposed internal and adjacent roadway, drives, major utility easements, necessary right-of-way dedications, road improvements and curb cuts on and adjacent to property in question.
22. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.
23. Show existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site.
24. Show existing and proposed roadway, drives, and walkways 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.

25. Show preliminary stormwater and sanitary sewer facilities.
26. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
27. 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.
28. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and Spirit of St. Louis Airport.
29. Show location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Eatherton-Kehrs Mill Road Trust Fund as directed. This contribution will 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>
S.F. Dwelling	\$879.10/parking space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, the Department of Highways and Traffic will provide rates.

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

If 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 will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2006 will be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

V. 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 of a plan by the Planning Commission.

VI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

1. Comments/approvals from the appropriate Fire District, Spirit of St. Louis Airport, and the Metropolitan St. Louis Sewer District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

VII. 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 appropriate Fire District, Spirit of St. Louis Airport and the Metropolitan Sewer District.

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.

VIII. OCCUPANCY PERMIT/FINAL OCCUPANCY

Prior to final occupancy of any building and/or release of subdivision escrows, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

XIV. 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.

All conditions of the Escrow as stated in the Escrow Agreement shall be met and approved by the Department of Public Works per the established Escrow Agreement.

XV. GENERAL DEVELOPMENT CONDITIONS

All streets within this development shall be private and remain private forever. Private street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the placement of the adjacent street pavement.

XVI. ENFORCEMENT

1. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
3. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City

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WHEREAS, the Planning Commission held a public hearing on June 13, 2005 to consider the matter; and,

WHEREAS, P.Z. 5-2005 was considered by the Planning Commission and recommended for approval by a vote of 6-1; and,

WHEREAS, a protest petition was heard at the March 8, 2007 meeting of the Planning and Zoning Committee; and,

WHEREAS, the Planning and Zoning Committee, upon consideration of the request for “E” One Acre District zoning, recommended denial of P.Z. 5-2005 Winter Wheat Place by a vote of 4-0, with a recommendation that the Petitioner consider “LLR” Large Lot Residential District zoning; and,

WHEREAS, at its April 16, 2007 session, the City Council referred P.Z. 5-2005 Winter Wheat Place to Planning and Zoning Committee for further discussion and review; and,

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WHEREAS, the City Council, having considered the merits of the “E” Districts and the “LLR” Large Lot Residential District designation, voted to approve rezoning from “NU” Non-Urban to “LLR” Large Lot Residential District.

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

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ATTEST:

CITY CLERK

FIRST READING HELD: _____

GREENSHEET

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PROPERTY DESCRIPTIONS

A tract of land being part of that parcel conveyed to “The Wild Bunch” by deed recorded in Book 6725, page 634 of the St. Louis County Records, situated in U.S. Survey 886, Township 45 North-Range 4 East, in the City of Chesterfield, St. Louis County, Missouri being more particularly described as:

Beginning at a point on the eastern line of Lot 39 of “Country Place at Chesterfield Plat One”, a subdivision according to plat thereof recorded in Plat Book 249, page 39 of the St. Louis County Records at the southwestern corner of a tract of land conveyed to Ebello and Norma Pasia by deed recorded in Book 6753, page 75 of the St. Louis County Records, thence along Pasia’s southern line, South 89 degrees 54 minutes 27 seconds East 303.23 feet to the northwestern corner of a tract of land conveyed to Dennis Walsh, Etal. By deed recorded in Book 9435, page 666 of the St. Louis County Records, thence along Walsh’s western line, South 04 degrees 31 minutes 28 second West 169.87 feet to a point; thence South 25 degrees 40 minutes 59 seconds East 75.26 feet to a point; thence South 01degree 01 minute 43 seconds east 316.00 feet to a point on the northern line of Parcel 1 of those tracts of land conveyed to Thomas Fleming, Trustee by deed recorded in Book 11949, page 1634 of the St. Louis County Records, thence along Fleming’s northern line, South 86 degrees 55 minutes 19 seconds West 319.39 feet to a point on the eastern line of Lot 80 of “Country Place of Chesterfield Plat Three”, a subdivision according to plat thereof recorded in Plat Book 263, Page 67 of the St. Louis County Records; thence along the eastern line of said subdivision, North 00 degrees 55 minutes 22 seconds West 570.82 feet to the point of beginning, containing 4.00 acres according to a survey by Volz, Inc. during the month of October, 2004.

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.

Section 3. The City Council, pursuant to the petition filed by Dollar Construction in P.Z. 5-2005 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 hearings, held by the Planning Commission on the 13th day of June 2005, 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 _____ day of _____, 2007.

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____

GREENSHEET 2

ATTACHMENT A

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

- 1.2 Adherence to the Plan
- 2.1 Quality Residential Development
- 2.1.1 Conservation of Existing Quality of Life
- 2.1.3 Encourage Preservation of Existing Residential Neighborhoods
- 2.1.4 Compatible In-Fill Residential Construction
- 7.2.9 Access Management
- 8.2.2 Underground Electric Service
- 8.3 Stormwater Management

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Concept Plan shall be limited to those conditions specified in Section A, General Criteria-Concept Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. Definitions

1. **Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**
2. **A Site Development Section Plan is a plan for development for sections of the overall concept plan.**
3. **Site Development Plan is a plan for development in planned districts that is being done in one phase.**

C. PERMITTED USES

1. The use allowed this “E-Two Acre” District shall be:
 - a. Single Family detached homes

2. The above uses in the E Two Acre District shall be restricted as follows:
 - a. The average lot size shall be 2 acres.
 - b. The minimum lot size shall be no less than one (1) acre (43,560 square feet).

D. LOT SIZE, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. HEIGHT
 - a. The maximum height of the detached single family homes shall be fifty (50) feet.

E. STRUCTURE SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than a freestanding subdivision monument sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. Seventy-five feet from the northern boundary (N0°55'22"W) of the "E-Two Acre" District.
- b. The Site Development Plan shall provide clearing lines for each lot which shall in total meet the 39% preserved woodland as set out in G.1.

2. LOT CRITERIA

In addition to the above-referenced requirements, no building or structures other than boundary and retaining walls, light standards, flag poles or fences, the following lot criteria shall apply:

- a. Front yard: Twenty-five (25) feet from the Winter Wheat Road easement on the western boundary of the "E-Two Acre" District.
- b. Side yard: Twenty (20) feet from the side property line.
 - i. A minimum of forty (40) feet must be maintained between structures.

- c. Rear yard setback: Twenty-five (25) feet from the rear property line. .

F. PARKING REQUIREMENTS

1. Construction Parking
 - a. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
 - b. No construction related parking shall be permitted within the Winter Wheat Drive roadway easement.

G. LANDSCAPE AND TREE REQUIREMENTS

1. A minimum of 39% of the existing tree cover shall be maintained.
2. The development of the subject site shall adhere to the requirements of the City of Chesterfield Tree Manual.
3. Driveways and parking in the proposed development shall be located in such a way that Tree #3, Tree#7 and Tree #9 and their root systems are not disturbed or destroyed.
4. Provide tree protection techniques such as fencing and possible branch pruning toward new house, and root pruning or others as directed by the City of Chesterfield in order to preserve Tree #22 or Tree #24 as shown on the Preliminary Tree Stand Delineation.

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations prior to installation or construction.
2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.
3. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

I. ACCESS/ACCESS MANAGEMENT

1. Provide a fifty (50) foot wide private roadway easement or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties that currently utilized Winter Wheat Road for access.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide all temporary and permanent easements or other legal instruments necessary to provide for the future improvements to Cripple Creek Road and Winter Wheat Road.
2. Provide engineering plans, profiles and cross-sections to construct future improvements to Winter Wheat Road along the entire frontage of the site to provide a 24 foot wide pavement, and storm drainage facilities, as directed by the Department of Public Works. The existing pavement shall be cored to verify that it meets City Standards. If it is determined that the existing pavement section does not meet City standards, the existing pavement will have to be brought up to City standards, as directed by the Department of Public Works. This work may include adding an asphalt overlay or may involve the complete reconstruction of the road.

K.. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan 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 of the site plan. The City Council will then take appropriate action relative to the proposal.

L. STORMWATER AND SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, as directed by

the City of Chesterfield and the Metropolitan St. Louis Sewer District.

2. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system.
3. Detention/retention and other storm water quantity and quality management measures may be required and if deemed necessary, are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protection, shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.

M. ROADWAY IMPROVEMENTS AND CURB CUTS.

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

N. MISCELLANEOUS

1. 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.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS AND SITE DEVELOPMENT CONCEPT PLANS

- A. The developer shall submit a Site Development Plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.
- B. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.

- C. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- D. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Eatherton-Kehrs Mill Road Trust Fund as directed. This contribution will 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>
S.F. Dwelling	\$879.10/parking space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, the Department of Highways and Traffic will provide rates.

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

If 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 will be retained in the appropriate trust fund.

The amount of this required contribution, if not submitted by January 1, 2006 will be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

V. 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 of a plan by the Planning Commission.

VI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

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

1. Comments/approvals from the appropriate Fire District, Spirit of St. Louis Airport, and the Metropolitan St. Louis Sewer District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

VII. GENERAL DEVELOPMENT CONDITIONS

All streets within this development shall be private and remain private forever. Private street signage, in conformance with Section 1005.180 of the Subdivision Ordinance, shall be posted within 30 days of the placement of the adjacent street pavement.

VIII. ENFORCEMENT

1. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
3. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of

