

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 10.2-ACRE TRACT OF LAND LOCATED ON THE EASTERN SIDE OF KEHRS MILL ROAD, 4,100 FEET SOUTH OF ITS INTERSECTION WITH WILD HORSE CREEK ROAD (P.Z. 02-2007 THE ESTATES AT UPPER KEHRS MILL/MICELI CONSTRUCTION)

WHEREAS, the petitioner, Miceli Construction, has requested a change in zoning from “NU” Non-Urban District to “E” One Acre District for a 10.2 acre tract of land located on the east side of Kehrs Mill Road, 4,100 feet south of its intersection with Wild Horse Creek Road.; and,

WHEREAS, the Planning Commission held a public hearing on March 12, 2007 to consider the matter; and,

WHEREAS, P.Z. 02-2007 was considered by the Planning Commission and recommended for approval by a vote of 7-1; and,

WHEREAS, a protest petition was heard at the June 21, 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 approval of P.Z. 02-2007 Estates at Upper Kehrs Mill by a vote of 3-1 with amendments to the Attachment A relative to drainage and landscaping; and,

WHEREAS, The City Council, having considered the petition and proposed changes, approved P.Z. 02-2007 The Estates at Upper Kehrs Mill.

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 10.2 acre tract of land located on the east side of Kehrs Mill Road, 4,100 feet south of its intersection with Wild Horse Creek Road. A description of the subject site is as follows:

PROPERTY DESCRIPTIONS

Legal Description

A tract of land being Lots 1 and 2 of “Upper Kehrs Mill”, a subdivision according to the plat thereof recorded in Plat Book 254, Page 6 of the St. Louis County Records and part

of vacated Kehrs Mill Road and part of the Excess Acquisition parcel acquired by St. Louis County, Missouri as described in the Deed recorded in Book 11229, Pages 591 through 594 of the St. Louis County Records in U.S. Survey 886 and Fractional Section 18, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the most western corner of said Lot 2 of “Upper Kehrs Mill”; thence Eastwardly along the North lines of said Lot 2 the following courses and distances: South 79 degrees 10 minutes 51 seconds East 137.34 feet, North 59 degrees 27 minutes 33 seconds East 150.65 feet, North 81 degrees 16 minutes 07 seconds East 121.16 feet, South 62 degrees 40 minutes 45 seconds East 114.75 feet and North 85 degrees 17 minutes 24 seconds East 120.68 feet to the Northwest corner of said Lot 1 of “Upper Kehrs Mill”; thence along the boundary lines of said Lot 1 the following courses and distances: South 58 degrees 08 minutes 40 seconds East 328.25 feet, South 76 degrees 29 minutes 43 seconds East 86.49 feet, South 88 degrees 50 minutes 07 seconds East 120.97 feet, and South 01 degrees 05 minutes 16 minutes West 362.15 feet to the Southeast corner of said Lot 2 of “Upper Kehrs Mill”; thence Westwardly along the South line of said Lot2 and its prolongation Westwardly South 70 degrees 08 minutes 00 seconds West 508.51 feet to the Northeast Right-of-way line of Kehrs Mill Road, 60 feet wide as established by aforesaid Excess Acquisition parcel deed to St. Louis County, Missouri; thence Northwestwardly along said Northeast Right-of-way line of Kehrs Mill Road, 60 feet wide, the following courses and distances: North 20 degrees 11 minutes 03 seconds West 48.67 feet, along a curve to the left whose radius point bears South 69 degrees 48 minutes 57 seconds West 605.00 feet from the last mentioned point, a distance of 272.03 feet, North 45 degrees 56 minutes 47 seconds West 589.89 feet and along a curve to the right whose radius point bears North 44 degrees 03 minutes 13 seconds East 545.00 feet from the last mentioned point, a distance of 28.36 feet to a point; thence North 47 degrees 02 minutes 07 seconds East 3.28 to the point of beginning and containing 10.270 acres according to calculations based on record information by Volz Incorporated on November 20, 2006.

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 Miceli Construction in P.Z. 02-2007 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 12th day of March 2007, 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

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

Comprehensive Plan Policies

- 2.1 Quality Residential Development**
- 2.1.1 Conservation of Existing Quality of Life**
- 2.1.4 Compatible In-Fill Residential Construction**
- 2.1.5 Provide Buffer for Existing Residential Development -**
- 2.1.6 Reinforce Existing Residential Development Pattern -**
- 2.1.11 Restrict Access of Individual Homes on Arterial Streets -**

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "E-One Acre" District shall be:
 - a. Single family detached residences.
2. The above uses in the "E-One Acre District shall be restricted as follows:
 - a. Development within this District shall maintain a density of one (1) acre).
 - b. The minimum lot size shall be no less than 22,000 square feet.

B. HEIGHT

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

C. 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. Eighty (80) feet from the right of way of Kehrs Mill Road.
- b. Twenty-five feet from the all other perimeter boundaries..

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 internal road.
- b. Side yard: Twenty (20) feet from the side property line.
 - i. This side yard setback may be reduced up to five feet if the side yard setback on the adjacent property
 - ii. A minimum of forty (40) feet must be maintained between structures.
- c. Rear yard setback: Twenty-five (25) feet from the rear property line. .

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Construction Parking
 - a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
 - b. 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.
3. Parking lots shall not be used as streets.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. A minimum of 40% of the tree mass shall be maintained.
3. A twenty five foot undisturbed buffer is to be retained adjacent to the north and east outboundary with the following bearings: Starting at the east limits of the 30 foot landscaped buffer parallel to Kehrs Mill right of way and extending north eastwardly along the line bearing S 70 degrees 08 minutes 00 seconds W, thence S 01 degrees 05 minutes 16 seconds W, thence S 88 degrees 50 minutes 07 seconds E, thence S 76 degrees 29 minutes 43 seconds E, thence S 58 degree 08 minutes 40 seconds E, thence N 85 degrees 17 minutes 24 seconds E. One perpendicular penetration will be permitted within said undisturbed buffer, not to exceed 25 feet in width, to allow for utility connections.
4. The location of trees to be preserved shall be shown and approved on the record plat for the subject development. In addition, tree preservation information shall be provided on plats provided to owners upon sale of individual lots.

F. SIGN REQUIREMENTS

2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.
3. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

G. LIGHT REQUIREMENTS

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

H. ARCHITECTURAL

1. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.

I. ACCESS/ACCESS MANAGEMENT

1. Access to Kehrs Mill Road shall be limited to one street approach. The street approach shall be as close to the north property line as practical and adequate sight distance shall be provided, as directed by the Department of Public Works and St. Louis County Department of Highways and Traffic.
2. 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 adequate sight distance as directed by the Saint Louis County Department of Highways and Traffic

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Improve Kehrs Mill to one half of a sixty (60) foot right-of-way and a thirty nine (39) foot pavement including all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic.
2. Provide a sidewalk conforming to Saint Louis County ADA standards adjacent to Kehrs Mill Road , as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
3. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right of way.
4. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
5. All roadway and related improvements in each plat or phase of the development shall be constructed prior to 60% occupancy of that plat or phase.

K. TRAFFIC STUDY (if applicable)

1. Provide a traffic study as directed by the City of Chesterfield and/or the St. Louis County Highways and Traffic. 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.

2. Provide a sight distance evaluation report, as required by the City of Chesterfield and/or St. Louis County Highways and Traffic for the proposed entrance onto Kehrs Mill Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than 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.

M. STORMWATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. 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 development or issuance of building permits exceeding sixty (60%) of 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.
3. Detention may be required for the entire project 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 allowable within the detention basin area

4. Lake(s), ponds(s), detention area(s), etc., are located downstream from the proposed development which may, in the opinion of the Chesterfield, be impacted by development of the subject site. A bond, in a form acceptable to the City of Chesterfield, shall be posted to assure compliance with this section. The developer shall perform preconstruction and post-construction surveys of these facilities and determine any changed condition. Preconstruction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development. Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater. The developer shall return affected facilities to their preconstruction condition within 3 months of the post-construction survey. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys and/or restorative work, the requirements in this paragraph are null and void. The required bond and preconstruction survey of downstream facilities shall be submitted prior to approval of a grading permit or improvement plans.
5. The detention basin for the subject site will be constructed and designed in such a way to prevent retention of water/materials which may attract vectors and create other nuisances.

N. SANITARY SEWER

1. Treatment for water quality and channel protection, in accordance with MSD regulations dated February 2006, may be required..
2. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.

O. 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 all Site Development Plans and improvement plans

P. 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. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. 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.
3. Prior to Special Use Permit issuance by the Saint Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis County Department of Highways and Traffic to guarantee completion of the required roadway improvements.
4. As this development is not subject to traffic generation assessment, the roadway improvements required herein represent the developer's road improvement obligation. These improvements will not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

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

1. The developer shall submit a concept plan within 18 months of City Council approval of the change of zoning.
2. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within 18 months of the date of approval of the change of zoning by the City.
3. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
4. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this

project to the Planning Commission shall be permitted if this option is utilized.

5. 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.
- 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

A. Site Development Concept Plan, Site Development Section Plan, Site Development Plans.

1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.
2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the St. Louis County Department of Highways and Traffic.

V. RECORDING

Within 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. ENFORCEMENT

- A. 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.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- 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 City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

Proposed change to Attachment A for P.Z. 02-2007 Estates at Upper Kehrs Mill:

Amend Section M, page 6 of the Attachment A by adding the following language:

- 6. Post construction sheet runoff leaving the site is to be less than the pre-existing sheet flow; and water from disturbed areas shall be managed so as to reduce the sheet flow from the site.**

GREENSHEET