

BILL NO. 2574

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “E-ONE ACRE” ESTATE DISTRICT WITH A “WH” WILD HORSE CREEK ROAD OVERLAY FOR A 4.9 ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD AND WEST OF LONG ROAD (P.Z. 29-2006 Wildhorse Bluffs {Wildhorse Partners, LLC})

WHEREAS, the petitioner, The Wildhorse Partners, LLC, has requested a change in zoning from a “NU” Non-Urban District to an “E-One Acre” Estate District with a “WH” Wild Horse Creek Road Overlay for a 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road; and,

WHEREAS, the subject site is located in the Wild Horse Creek Road Sub Area, and;

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

WHEREAS, the City Council, having considered said request made one amendment to the access/access management requirements voted to approve the rezoning request.

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 part thereof, are hereby amended by establishing an “E-One Acre” Estate District with a “WH” Wild Horse Creek Road Overlay for a 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road and described as follows:

A tract of land in U.S. Survey 419 and being part of Lot 20 of the Subdivision of R.H. Stevens’ Farm recorded in Plat Book 7 page 37 of the St. Louis County Missouri former City records and being more particularly described as follows:

Beginning at the intersection of the West line of U.S. Survey 419 with the North Line of Wild Horse Creek Road being 60 feet wide, said point also being the Southeastern corner of a tract of land conveyed by deed to Donald Bowers recorded in Deed Book 15303 page 2496 of the St. Louis County records; thence Northerly leaving said North line and along the West line of a tract of land conveyed by deed to Investment Consulting Group Inc. Recorded in Deed Book 14761 page 2492 of the St. Louis County Records, North 11 degrees 04 minutes 48 seconds West a distance of 205.90 feet to a point on the South line of a tract of land conveyed to St. Louis and Southwestern Rail Road (formerly Chicago, Rock Island and Pacific Railroad Company); thence Easterly along said South line, North 78 degrees 13 minutes 47 seconds East a distance of 1008.87 feet to a point on the Western line of a tract of land conveyed by deed to David M. Stroud recorded in Deed Book 16559 page 1017 of the St. Louis County Records; thence Southerly along said Western line, South 11 degrees 04 minutes 07 seconds

East a distance of 249.22 feet to a point on the Northern line of said Wild Horse Creek Road; thence Westerly along the Northern line of said Wild Horse Creek Road and being a curve to the left having a radius of 985.37 feet, an included angle of 15 degrees 51 minutes 06 seconds, an arc length of 272.62 feet to its point of tangency; thence continuing Westerly along the Northern line of said Wild Horse Creek Road, South 78 degrees 33 minutes 00 seconds West a distance of 739.43 feet to the point of beginning, containing 214,110 square feet or 4.92 acres more or less.

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, which are set out in the Attachment "A", which is attached hereto and, made a part of.

Section 3. The City Council, pursuant to the petition filed by The Wildhorse Partners, LLC, in P.Z. 29-2006, 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 hearing, held by the Planning Commission on the 11th day of December, 2006, 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 warning 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: 10/1/2007

ATTACHMENT A

All provisions of the City of Chesterfield City Code, including both the Estate “E” Residence District and Wildhorse “WH” Overlay District requirements, shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this “E-One Acre” District with a “WH” Overlay shall be:
 - a. Four (4) detached single-family dwellings.

B. SETBACKS

1. STRUCTURE SETBACKS

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

- a. Fifty (50) feet from the right-of-way of Wild Horse Creek Road on the southern boundary of the “E-One Acre” District.
- b. Seventy-five (75) feet from the northern boundary of the “E One Acre” District.
- c. Two hundred (200) feet from the western boundary of the “E One-Acre” District.
- d. Sixty-five (65) feet from the eastern boundary of the “E One-Acre” District.
- e. LOT CRITERIA
 - (i) Side yard setbacks shall be twenty (20) feet.
 - (ii) A minimum of forty (40) feet must be maintained between structures.

C. 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.
 - c. No construction related parking shall be permitted within the Wild Horse Creek Road right of way.
3. Parking lots shall not be used as streets.

D. LANDSCAPE AND TREE REQUIREMENTS

The developer shall adhere to the Tree Manual of the City of Chesterfield Code.

E. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the Missouri Department of Transportation for sight distance considerations prior to installation or construction.
2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

F. LIGHT REQUIREMENTS

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

G. 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.

2. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan.
3. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

H. ACCESS/ACCESS MANAGEMENT

1. Access to Wild Horse Creek Road shall be limited to no more than two (2) driveway approaches. The street approach shall be located to provide adequate sight distance as directed by the City of Chesterfield and the Missouri Department of Transportation.
2. Provide cross access easements as needed to provide the adjacent parcels access to the proposed driveway entrances at Wild Horse Creek Road.
3. The proposed driveway locations subject to meet MoDOT sight distance criteria with Access Management Guidelines.
4. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any improvements within MoDOT's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.
5. Provide cross access easements to the adjacent parcels to the east as directed by the City of Chesterfield.

I. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. No gates shall be permitted in this development.
2. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Wild Horse Creek Road frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

J. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. 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, for the proposed entrance onto Wild Horse Creek 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.

K. 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 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

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. Storm sewers discharging to the northwest along the long slope shall be extended to the toe of the slope unless; extraordinary measures are taken to protect the slope from erosion in the long term, as approved by the City of Chesterfield.
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. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield. Be advised, for this specific development, the downstream channels and structures must be analyzed using the MSD standard 100-year, 20 minute storm.
4. Grading and storm water systems shall be designed so as to collect all surface water from all disturbed areas along the north portion of the development, parallel and adjacent to the top of the slope draining to the north, and convey that surface water to an adequate discharge point where extraordinary measures will be employed to dissipate energy, attenuate flows, and protect slopes from degradation. No storm water shall be allowed to flow from an area which has been graded, to the undisturbed slope.
5. The developer shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
6. All drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right of way line whichever is greater.

M. SANITARY SEWER

1. Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.
2. Treatment may be required at this site for water quality and channel protection per MSD February 2006 (Chapter 4) guidelines.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.

N. 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.

O. MISCELLANEOUS

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.

P. SPIRIT OF ST. LOUIS AIRPORT

1. Prior to the approval of any site development plan, the developer shall provide, at the direction of the Spirit of St. Louis Airport, an avigation easement or other appropriate legal instrument or agreements to fully remise and release any right or cause of action which they, their successors and assigns may now have or which they may have in the future against the St. Louis County, its assessors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at or taking off from, or operating at or on Spirit of St. Louis Airport.
2. The developer shall provide the following notes on the Site Development Plan:
 - a. The avigation easement will be recorded along with the Site Development Plan. In addition, the avigation easement will be referenced on the record plat and individual plot plans.
 - b. The developer shall disclose to prospective home owners that this site is in close proximity to the Spirit of St. Louis Airport and is subject to occasional over flights. This note is intended to be a noise disclosure statement to any prospective home owners.

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

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. 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 eighteen (18) months of the date of approval of the change of zoning by the City.

- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. 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.
- E. 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 (1) 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 Missouri Department of Transportation, Monarch Chesterfield Levee District, Central Midland Railway, Spirit of St. Louis Airport and the Missouri Department of Transportation.

V. TRUST FUND CONTRIBUTION

- A. The developer will contribute to the Eatherton-Kehrs Mill Road Trust Fund. 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>
Single Family	\$879.10/Parking Space

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

If types of development differ from those listed, St. Louis County 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, 2007 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.

VI. 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.

VII. 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.