



**VIII.A.**

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## **Planning Commission Staff Report**

**Meeting Date:** June 25, 2007

**From:** Jennifer Yackley, Project Planner

**Subject:** Rezoning Vote Report

**Location:** West of the intersection of Wild Horse Creek Road and Long Road

**Petition:** P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners, LLC)

### **Proposal Summary**

The Wildhorse Partners, LLC has submitted an application for a change of zoning from a "NU" Non-Urban District to an "E-One Acre" Estate District with a Wildhorse Overlay per the regulations of the City of Chesterfield Zoning Ordinance Section 1003.107 and Section 1003.109. The site is located west of the intersection of Wild Horse Creek Road and Long Road.

In addition, the petitioner is requesting a reduction in the front yard structure setback requirement. The "E-One Acre" Estate District calls for an eighty (80) foot front yard structure setback. The petitioner requests a fifty (50) foot front yard structure setback.

### **Staff Recommendation**

The Attachment A for this request meets all of the development requirements of the City of Chesterfield and therefore, Staff recommends approval of the change of zoning from "NU" Non-Urban District to an "E-One Acre" Estate District with a Wildhorse Overlay.

Staff also supports the petitioner's request to reduce the front yard structure setback from eighty (80) feet to fifty (50) feet based on the topography, the northern bluffs, on the site. The plan as proposed protects ninety percent (90%) of the slopes. Only the houses on lots 3 and 4 will impact the bluffs. Maintaining the eighty (80) foot structure setback increases the likelihood that more of the bluffs will be negatively impacted.

Section 1003.107, the Estate Residence District, and Section 1003.109, the Wildhorse Overlay, allow the petitioner to request modifications to the structure setbacks. A separate two-thirds (6) vote of Planning Commission would be required.

### Zoning Analysis

A preliminary plan accompanies all rezoning requests when the change of zoning is to a Planned District. When a vote is taken on a rezoning request, the vote is to approve the change of zoning with an Attachment A as written by Staff.

The vote is not to approve the accompanying preliminary plan which is provided for informational purposes only.

While preparing the Attachment A for this development, Staff reviewed the conditions established in the Comprehensive Plan and Zoning Ordinance. The Attachment A requires that this development will adhere to the requirements of both.

### Surrounding Land Use and Zoning

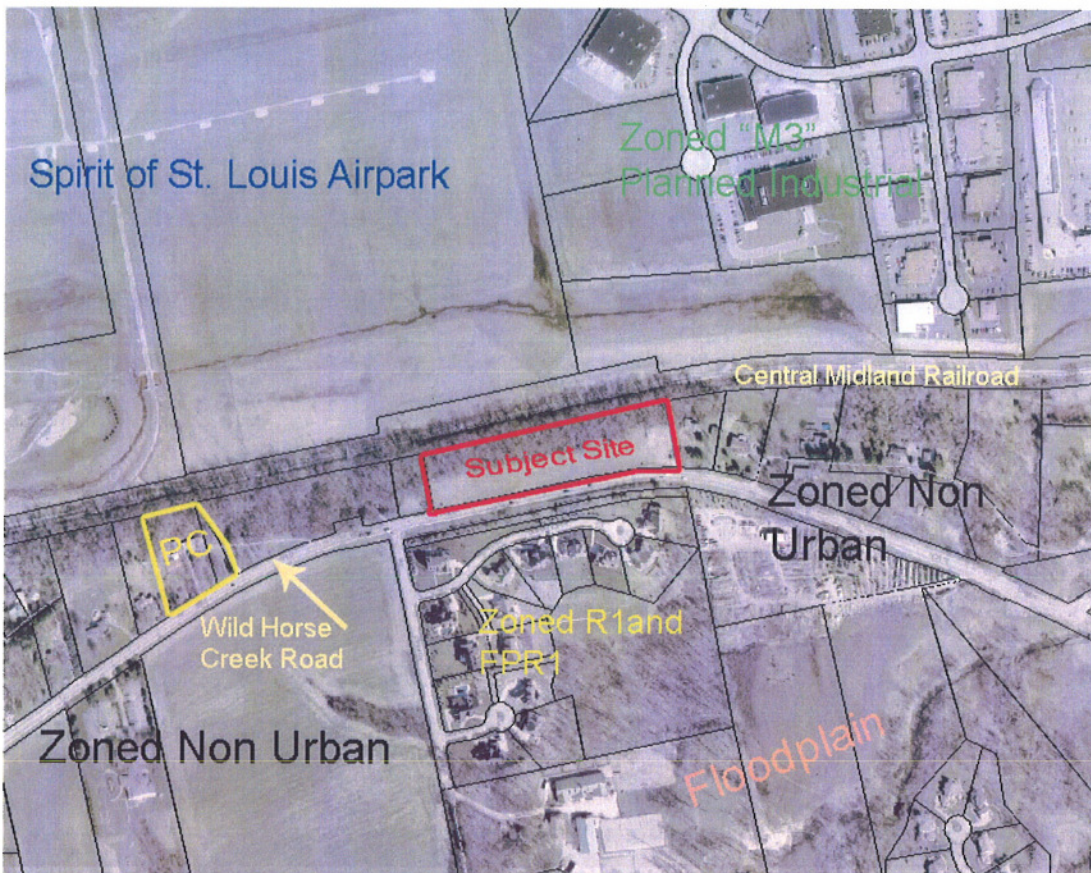
The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is zoned "M3" Planned Industrial District.

South: The property to the south is zoned "R1" and "FPR1" Residence District and Floodplain Residence District respectively.

East: The property located to the east is zoned "NU" Non-Urban District.

West: The property located to the west is zoned "NU" Non-Urban District







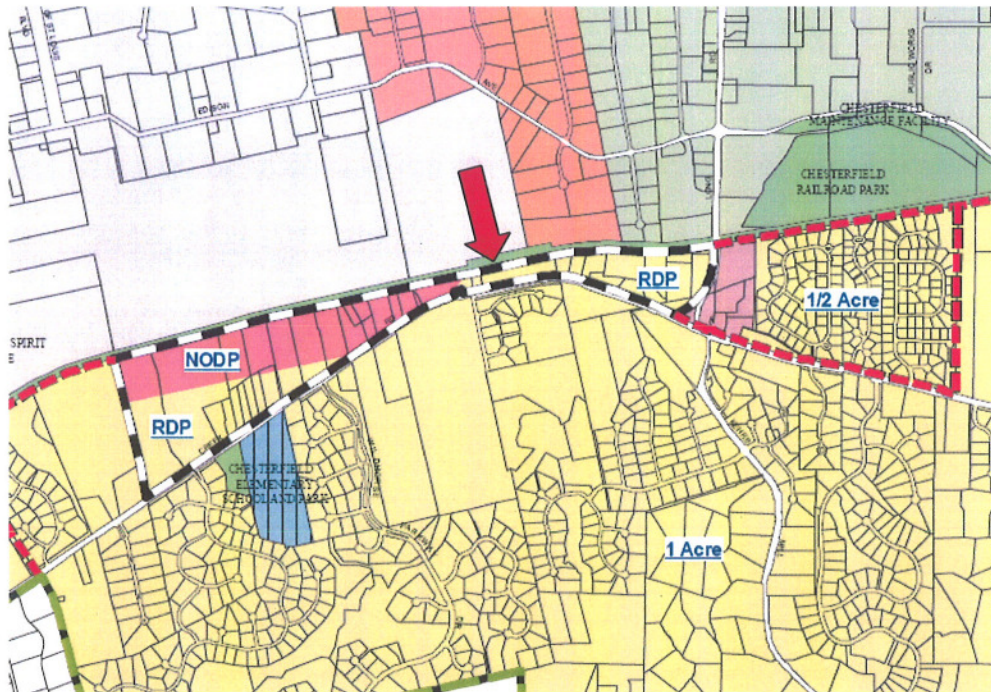
View of site standing at western edge facing east



View of the site facing north (Airport in the distance)

### Comprehensive Plan Analysis

The subject site is located in Ward 4. The Comprehensive Plan identifies this area as residential within the Wild Horse Creek Road sub-area; additional development guidelines for this site have been incorporated into the Attachment A.



### Site Area History

The site was zoned "NU" Non-Urban District by St. Louis County prior to the incorporation of the City of Chesterfield.

**Issues**

A public hearing was held on December 11, 2006 for this request and other than the petitioner, there was one (1) speaker in favor of this matter. At the hearing, several issues were identified. Those issues along with the petitioner's responses are attached.

The only open issue is the petitioner's request to reduce the front yard structure setback from eighty (80) feet to fifty (50) feet. Sections 1003.107 and Section 1003.109 allow the structure setbacks to be modified by the Planning Commission.

A separate two-thirds (6) vote of the Planning Commission will be required for this modification.

**Request**

Staff recommends approval of the change of zoning from a "NU" Non-Urban District to an "E-One Acre" Estate District with a Wildhorse Overlay.

Staff requests action on the petitioner's request to reduce the front yard structure setback.

Respectfully submitted,



Jennifer Yackley  
Project Planner

Respectfully submitted,



Aimee Nassif  
Senior Planner of Zoning  
Administration

Attachments

1. Attachment A
2. Petitioner's Response Letter
3. Preliminary Plan

## 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. 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. Eighty (80) 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.

#### B. 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.

**C. LANDSCAPE AND TREE REQUIREMENTS**

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

**D. 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.

**E. LIGHT REQUIREMENTS**

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

**F. 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.

#### **G. 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.

#### **H. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. No gate installation will be permitted on public right of way.
2. 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.
3. 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.

#### **I. 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.

**J. 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.

**K. 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.

**L. 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.

**M. 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.

**N. 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.

**O. 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.



# QUINN, GROUND & BANTON, L.L.P.

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May 22, 2007

Ms Jennifer Yackley  
Project Planner  
City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, MO 63017

**SENT VIA US MAIL AND FACSIMILE 636-394-8679**

RE: P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners, LLC)

Dear Ms. Yackley:

On December 11, 2006, we made an initial presentation on the project named above. Thereafter, on December 20, you sent us an issues letter that requested our response to certain issues that arose during these preliminary discussions. Responding to that letter required some further discussions. On Tuesday, January 30, I met with you and one of the City's engineers to resolve some specific questions. Thereafter some new plans had to be prepared. Those were completed and delivered to you the week before last. I have now been able to complete this response. In doing so, I have been mindful of your request that our responses be fit into your statement of issues. You will see each of your issues in bold face in the following letter, followed by our response without bold face.

## **City of Chesterfield Issues**

**1. Will the monarch tree labeled number 83, on the Tree Stand Delineation submitted on November 29, 2006, be saved?**

It is the developer's intention to preserve this tree.

**2. The Tree Stand Delineation referenced above shows a tree labeled 83A on the plan but the same tree is not listed in the tree inventory. Please clarify.**

The arborist tells us this tree is a hard maple.

**3. How long are the shared driveways?**

From the curb line, each of the shared driveways is approximately 80 feet in length.

**4. How many cars are able to park on the shared driveway if a homeowner were to have several people at their home?**

This question presents a difficulty in that assumptions must be made concerning whether people would park on both sides of one of the shared driveways or only on one side. We estimate that it is unlikely that more than 5 cars could park on one side of either paved driveway.

**5. How feasible is it to change the two shared driveways into one shared driveway for the four houses?**

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This change is not feasible.

**6. Be advised that the developers must comply with City of Chesterfield Ordinance 1503 concerning the disclosure of the Spirit of St. Louis Airport within the City of Chesterfield.**

The developer anticipated this requirement and will comply.

**7. Will noise insulation material be used in the construction of the houses?**

Yes. At the City's request we will make more detailed information available.

**8. Provide a 30 foot landscape buffer around the perimeter of the development.**

Consistent with our discussions at the end of January, there will be no landscape buffer on the north side of the development that faces the sharp topographical decline and the Airport. The other three sides of the development will have the landscape buffer as required.

**9. Per City of Chesterfield Ordinance 2275 buffers shall not count toward lot size. Please provide new lot size calculations.**

I understand these are included in the new plans you received about two weeks ago.

**10. Provide a sidewalk per City of Chesterfield Ordinance 2275.**

This detail is included in the new plans.

**11. Per City of Chesterfield Ordinance 2275 an 80 foot structure setback from Wild Horse Creek Road is required.**

According to the Planning Department's interpretation of the ordinances, a combination of a fifty-foot setback and a thirty foot setback would be required. From the outset of this proposal, however, we informed the City that we needed an exception to this rule that would recognize the fifty foot setback but not the additional thirty feet. Before this proposal was even filed with the City we met with the two members of the City Council who represent this area. Immediately after filing, we met with the planning staff. At all times this difficulty was known. It has been consistently acknowledged by all parties that the exception is required by the topography of the site, and that therefore, our request for an exception is not based on mere convenience or to seek to maximize density. We continue to anticipate the necessity of such an exception.

**12. How much of the development will be built on the bluffs?**

The rear 25 feet of the houses on lots 3 and 4 will minimally impact the bluff.

**13. Be advised that City of Chesterfield Ordinance 2275 requires that 70% of all areas exceeding a 30% slope shall be protected and shall remain without development.**

The bluff is the only part of the property with a slope of 30% or greater. The impact as described in response to issue #12 is to only 10% of the bluff, leaving 90% protected.

**14. Be advised that the development must adhere to the Residential Design Criteria set forth in the Wild Horse District Overlay, City of Chesterfield Ordinance 2286.**

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The developer is aware of this restriction.

**15. The subject property is located very close to the 65 decibel plateau on the airport noise study. The Airport recommends that an aviation easement be required for the site as well as the typical airport noise disclosure statements on the Site Development Plan as well as the Record Plat for the subject site.**

We will add this to the plan and to the recorded plat.

**16. Visibility may be an issue for this development as far as access onto Wildhorse Creek Road. A sight distance study will be required to analyze sight lines and viability of the driveways as they are proposed.**

MODOT has approved and authorized that present plan. Because Wild Horse is a state road, the developer contends that this approval satisfies all requirements with regard to the development.

**17. Due to the potential instability of the bluffs along the north side of this development and the fact that several of the homes are proposed to be located at the very top of the slope, a Geotechnical Engineer will be required to provide a slope stability analysis in the geotechnical report and certify that the slopes are safe for the structures as proposed.**

The developer will comply with this requirement.

**18. 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.**

The developer will comply with this requirement. Protection of the slope will be accomplished through rain gardens and storm systems in compliance with City and MSD requirements.

**19. The Missouri Department of Transportation has submitted the following comments:**

**a. The proposed driveways locations subject to meet MoDOT sight distance criteria with Access Management Guidelines.**

**b. 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.**

**c. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.**

**d. We (MoDOT) request that all drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new existing right of way line, whichever is greater.**

The developer believes it has met all MODOT's concerns to date, and continues to communicate with MODOT about these matters.

20. St. Louis County Department of Highways and Traffic has submitted comments regarding this project's location within the Eatherton-Kehrs Mill Road Trust Fund. Current trust fund rates will be included in the Attachment A for this development.

The developer anticipates the trust fund requirement.

21. The Spirit of St. Louis Airport commented that they will require an avigation (sic) easement.

An Aviation easement is anticipated by the Developer.

22. We (Spirit of St. Louis Airport) receive some reassurance from the developer and/or potential homeowners, that they are fully aware of the potential for aircraft noise.

While the Developer is aware of the noise potential, we cannot speak directly for potential homeowners. However, as laid out in response #6 above, all potential homeowners will be notified of this risk.

23. The Metropolitan Sewer District has submitted the following comments:

- a. Easements will be required.
- b. Stormwater should be controlled as required by the Chesterfield Valley Master Facility Plan.
- c. Treatment may be required at this site for water quality and channel protection per MSD February 2006 (Chapter 4) guidelines.
- d. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2750.00 per acre.
- e. Formal plan submittal and approval is required by the District prior to the issuance of permits.

The Developer is aware of these restrictions.

The City of Chesterfield is aware of the following issues/concerns related to the project that, due to their nature, are not specifically addressed by the rezoning conditions developed by this Department:

1. The subject property is in the vicinity of a proposed roadway project at Long Road, Wild Horse Creek Road and Kehrs Mill. However, the proposed roadway improvements are located approximately 300 feet or more east of the subject property. Therefore, there should be no direct physical impact to the subject site.

The Developer is aware of this situation.

The following conditions related to site specific issues will be applied to the rezoning petition:

Access



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1. Access to Wild Horse Creek Road shall be limited to no more than 2 driveway approaches. The drive approach(es) shall be located to provide adequate sight distance as directed by the Department of Public Works and the Missouri Department of Transportation.

Only two driveways are anticipated.

2. Provide cross access easements as needed to provide the adjacent parcels access to the proposed driveway entrances off Wild Horse Creek Road.

The developer will provide cross access easements.

#### Pedestrian Circulation

3. Provide a 5 foot 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 6 foot wide sidewalk, maintenance and utility easement.

See our response to item 10 above.

#### Parking

4. No construction related parking shall be permitted within the Wild Horse Creek Road right of way.

The Developer agrees with this restriction.

#### Traffic Studies

5. 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.

The developer will comply with this condition

6. 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.

The Developer requests that this condition be waived, since the Developer has reached agreement with the Missouri Department of Transportation that sight distances at the proposed development are adequate.

#### Stormwater

7. 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. 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

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protect the slope from erosion in the long term, as approved by the City of Chesterfield, Department of Public Works.

The Developer will comply with this condition.

8. The adequacy of the existing downstream conditions shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Be advised, for this specific development, the downstream channels and structures must be analyzed using the MSD standard 100-year, 20 minute storm.

The Developer will await the outcome of any determination by the City's Department of Public Works and shall deal with this problem as agreed between the Developer and the Department of Public Works.

9. 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. 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.

The Developer believes the present plans comply with this condition.

Furthermore, the following general conditions shall be applied to the petition. It is not necessary to address each of these issues individually in your Issues Response. Please review these issues and respond only to those to which you are requesting an alternate form of compliance.

#### Road Improvements

G-1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right of way.

If a gate is installed on a street in a development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.

No gate is included in the plan.

#### Geotechnical Report

G-2. 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.

Developer will contact a Geotechnical Engineer to obtain this report, and supply the necessary copies to the City.

#### Site Development Plan Requirements

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May 22, 2007  
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G-3. Prior to Site Development Plan approval, provide comments/approvals from the appropriate Fire District, Missouri Department of Transportation, Spirit of St. Louis Airport, Monarch Chesterfield Levee District, Railroad, and the Metropolitan St. Louis Sewer District.

Developer will comply with this requirement.

**Finally, the petitioner should be advised of the following requirements of the City Code which may impact the project during the later stages of the development process.**

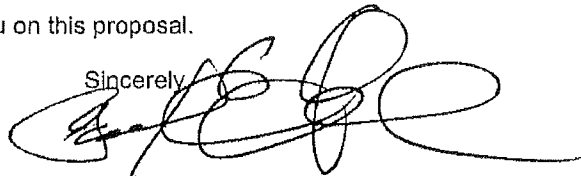
1. A traffic study/sight distance study will be required.
2. A downstream impoundment area exists which must be documented and protected.
3. Access/utility easements shall be required throughout the development. A continuous 15 foot wide rear yard easement shall be provided. At a minimum, a 10 foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
4. Should the design of the subdivision include retaining walls that serve multiple properties, those walls shall be located within common ground or special easements, including easements needed for access to the walls.

Before submitting your written response to these issues, please set-up an issues meeting with the Department of Planning. A **written response to each issue** listed in this letter should be submitted along with three copies of the plan, if any revisions are made.

This project will not be placed on the Planning Commission agenda for an Issues meeting until after all items are addressed in writing. Please do not hesitate to contact me at [jyackley@chesterfield.mo.us](mailto:jyackley@chesterfield.mo.us) or 636-537-4743 if you have any questions about the process.

Thank you for the opportunity to work with you on this proposal.

Sincerely,



Paul E. Ground  
Developer's Counsel

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Tree Monkey Tree Service  
3263 Lakeview Crossing  
Arnold, MO 63010  
636-461-0778 or 314-657-8160

May 18, 2007

Chris Purcelli  
St. Charles Tower  
#4 West Dr.  
Chesterfield, MO

Chris,

After reviewing my notes on the project at Wild Horse Bluffs, the tree in question (83A) is a Hard Maple.

If you have any further questions, please feel free to contact me at 314-657-8160.

Sincerely,

Tony Biondo  
Arborist

5/22/2007







