

Memorandum

Department of Public Services



TO: Ordinance Review Committee

FROM: Aimee E. Nassif, Planning and Development Services Director

DATE: August 1, 2014

RE: Amendments to Wild Horse Overlay District (“WH” Overlay)

As you are aware, Staff has prepared amendments to the Wild Horse Overlay District (“WH” Overlay). A draft of these amendments was presented to the Planning and Public Works Committee Meeting on July 24, 2014. At that meeting, the Committee accepted the draft language and directed that a public hearing on the amendment be held. **This public hearing will be held on August 25, 2014.** As with all City Code changes which involve land use items, a public hearing is held before the Planning Commission. Then, the recommendation from the Planning Commission is forwarded to the Planning and Public Works Committee and onto City Council for final approval.

Prior to holding the public hearing, the Ordinance Review Committee of Planning Commission will meet to discuss the Code update and make a recommendation to the full Planning Commission at the hearing. While this draft was recommended by the Planning and Public Works Committee of Council, the Committee did request that the Planning Commission explore the **average lot size requirement**. This requirement for an average lot size for the overall development currently exists in the “WH” Overlay Study and remains in the draft before you. However, concern does exist with the ability for a developer to achieve an average lot size while maintaining large setbacks from Wild Horse Creek Road and preserving and maintaining the existing bluffs to the north. This item will be fully discussed at the Ordinance Review Committee Meeting and further information provided at that time for you.

Below is the language from the memo that went to the Planning and Public Works Committee on July 24, 2014. If you have any questions prior to the Ordinance Review Committee Meeting please do not hesitate to contact me.

Excerpt from July 24, 2014 Staff Report

In 2005 the City of Chesterfield conducted a planning study for future development in the area identified in the Comprehensive Plan as the "Bow Tie" area. As a direct result of this Study, the Wild Horse Overlay District was created. For some time, the City Council and the Planning Commission, as well as City Staff, have expressed the need to update or revise the Wild Horse Overlay District (WH Overlay) development requirements. As you are also aware, the City was successful in recent litigation involving the development criteria for the "Bow Tie", but the litigation also illustrated the need for clarification and revisions. While changes were desired, clearly it would have been inadvisable to initiate changes to the study area conditions during litigation. While changes are desired, it is equally important to attempt to maintain some degree of consistency between the Comprehensive Plan and the Unified Development Code, e.g. the actual zoning entitlements for parcels within the "Bow Tie". It is not recommended to simply repeal the WH Overlay while it remains in the Comprehensive Plan. The recommendations and associated amendments have been prepared with consultation from City Attorney Rob Heggie.

Attached are proposed amendments to the criteria for the WH Overlay District. We believe that the recommended changes address the community's expressed desires to:

- a) Maintain the residential character of the Wild Horse Creek Road Study Sub Area (WH Sub Area);
- b) Acknowledge and address the airport noise issues as they relate to future land use and development;
- c) Eliminate the "neighborhood office" directive in the WH Sub Area;
- d) Maintain consistency between the performance standards and lot size criteria previously established in the 2009 WH Sub Area Study and previously incorporated into the existing WH Overlay District regulations.

In preparing the proposed amendments, a number of issues were considered, including but not limited to the following:

- 1) The current WH Overlay allows for residential or neighborhood office development. However, the City regularly receives inquiries from developers wanting to develop residential communities on parcels and areas of land shown in the current study and Comprehensive Plan as being suitable for a mix of residential with office development.
- 2) Neighborhood Office development was shown on the Comp Plan and in the WH Study as being appropriate uses due to the proximity to the airport and the potential concerns about airport noise. There are examples of mitigation efforts employed by other communities which provide for residential development in similar locations close to airports.
- 3) Allowing residential development in the WH sub area will preserve the character of the area and protect existing, surrounding residential development.

- 4) Existing development off Wild Horse Creek Road west of Long Road is currently residential or residential type uses. Allowing, much less mandating, an office development in an area which is so clearly and dominantly residential, is undesirable and contrary to the expressed desire of the surrounding property owners.
- 5) While residential zoning is desirable, the Wild Horse Area is a unique area with a character specific to this area only. There are large acres of land, horse farms, agricultural uses, scenic views, historic mounds and structures, unique topography, bluffs, natural open space, just to name a few, which is different from other areas of the City. As such, while residential development is desirable, a zoning tool to help promote high quality development is appropriate.
 - a. Overlay Districts by definition are used to establish alternative land development requirements within a specific area of your community that requires special attention, such as an environmentally sensitive area or historic areas or rapidly developing corridor. The overlay is superimposed over conventional/traditional zoning districts. It consists of a physical area with mapped boundaries and written text spelling out requirements that are either added to, or in place of, those of the underlying regulations.
 - b. The PUD is one tool which allows for creativity universally, but it does not dictate any specific performance criteria for individual geographic areas and does not identify specific land forms or unique physical characteristics of a specific area previously studied like the WH Sub Area Study. There are physical items and specific performance criteria that are unique to the WH sub area, which, absent the WH Overlay ordinance, could not be “prescribed” by use of the PUD. The PUD does not address a specific area or set of performance criteria that the City desires for a previously studied area like the Bow Tie Study area. **Accordingly, it is inappropriate and undesirable to consider a PUD in a study area where unique performance criteria has previously been established.**
 - c. The WH Overlay is the exact zoning tool available to address the special and unique needs of the WH Sub Area while allowing for development of land to occur.
- 6) The lot criteria and majority of the residential standards in the draft proposal are taken from both the Comprehensive Plan and 2009 WH Sub Area Study. **Revising the WH Overlay District regulations allows the Unified Development Code to remain consistent with the Comprehensive Plan to the greatest extent possible.** From a planning and zoning perspective, updating the WH Overlay district now falls into place with the Planning Commission’s request for an update to the Comprehensive Plan. Updating the Comprehensive Plan will result in a land use plan for this area which will then be compatible with the updates proposed currently in the WH Overlay District.

- 7) There is already a 4 acre tract of land within the WH Sub Area which is zoned E-1/WH Overlay so it is best to update the current overlay district and not completely repeal it.

As requested by City Council, we have drafted proposed revisions to the WH Overlay District to address the aforementioned issues. We recommend that it be introduced to the PPW Committee at their next regular meeting, in hopes of the Committee directing that Staff forward the proposed legislation to the Planning Commission for a Public Hearing at the earliest possible time, and for the Planning Commission to provide an expedited response with recommendations for the legislation to the Planning and Public Works Committee, and subsequently to the full City Council.

Thank you.

UNIFIED DEVELOPMENT CODE AMENDMENTS

Amendment 1: Article 03-05C.

OVERLAY DISTRICTS AND ZONING PROCEDURES

- C. "WH" Wildhorse Creek Road Overlay District.
1. Purpose. The intent of the "WH" Wild Horse Creek Road Overlay District is to protect and maintain the scenic character of the Wild Horse Creek Road Sub Area and the adjacent neighborhoods by ensuring compatibility through site design, site plan review, and the regulation of activity upon the designated sites so that the uses of the property will not adversely affect the character of the neighborhood or the general welfare of the City.
 2. Applicability. All properties located within the Wild Horse Study Sub Area (also known as "the Bow tie") are required to zone to the "WH" Overlay District prior to any development or redevelopment action. The properties included within this Study Area are as described and shown in the City of Chesterfield Comprehensive Plan and attached hereto marked as Exhibit A.
 3. Zoning. Properties located within the Wild Horse Study Sub Area may only seek a zoning map amendment to one of the Estate District categories. As the "WH" Overlay District is required for all properties in this sub area, properties in the sub area do not qualify for a "PUD" or Planned Unit Development zoning.
 4. Scope of Provisions. This Section contains the regulations of the "WH" Overlay District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC and additional regulations as required in the underlying estate district zoning.
 5. Compatibility of Residential Uses with Airport. Zoning of land near airports raises a unique set of challenges and issues to ensure that safety of both the aircraft and the general public is achieved. This includes, but is not limited to, items such as noise, lighting, and building height. The impacts of long term noise exposure on the public's health and safety is of great importance to the City of Chesterfield. Therefore, the following airport and noise mitigation requirements shall apply to all residential development in the Wild Horse Sub Area:
 - a.) Residential development shall not be permitted on parcels located in areas with a DNL of greater than 65 as depicted on the Noise Disclosure Map. If a portion of a residential development

is located above the 65 DNL line, the area may be used as common ground, open space, or other such preservation area only.

- b.) Comments from the Spirit of St Louis Airport shall be required prior to approval of any zoning request and site development plan request.
- c.) Provide an avigation easement or other such easement as required by the Spirit of St. Louis Airport.
- d.) Sound attenuation methods through the use of site design and layout, architectural design and building materials shall be utilized and may be required in addition to other standards provided herein. This may include, but not be limited to, building height, room arrangement, window placement, building material, and orientation of residential structures.

6. Minimum Standards of Design. In addition to the development standards and district requirements required for the site in accordance with the underlying Estate District zoning, the following performance standards are applicable to the "WH" Overlay District:

- a.) Uses. Permitted and Conditional Uses for the "WH" Overlay District are found in Section 03-08 of this Article.
- b.) Community amenities such as a community center, nature preserve areas, park, lake, recreation areas, and other similar uses and amenities are required for all residential development and shall be shown on any preliminary plan and/or site development plan.
- c.) Specific design requirements are set forth in Table 1:

Building Design	Rear and side facades shall be designed with similar detailing and be compatible with the principal facades of the building.
Internal Roadway System	As development occurs in the area, an internal roadway system, complete with buffers, landscaping, pedestrian circulation, and cross access shall be required as directed.
Landscape Buffering	The perimeter landscape buffer required in the underlying estate district zoning category shall not be located within any developed lot with a residential structure on it. The landscape buffer may include areas of common ground or conveyed park lands.
Protection of Wild Horse Creek Road Character	To protect the scenic character of Wild Horse Creek Road, all developed lots must be set back at least fifty (50) feet from Wild Horse Creek Road right of way and screened from view.
Common Ground	A minimum of 30% common ground shall be provided in the development. Common ground shall be deed restricted, not concentrated in one area of the development site, and not located within any developable lot. However, common ground may be concentrated in areas in a residential development which lie above the 65 DNL line. Any land conveyed for public park purposes may be counted toward the Common Ground requirement.
Pavement and Right-of-Way Widths	Comply with the requirements of the Street Specification Matrix Tables found in Article 04 of the UDC or as directed by the Department.
Pedestrian Circulation	To achieve pedestrian circulation, all development shall include trails and sidewalks.
Preservation of Natural Features	Future development shall minimize any impact to the areas of steep grades (slopes exceeding three to one –horizontal to vertical dimension), existing tree coverage, and waterways.
Preservation of Slopes	Development on slopes in excess of 20% shall be minimized to the greatest extent practicable.
Protection of Historic Features	Future development shall minimize any impact to historic and heritage sites, buildings and archeological sites shall be of utmost importance.
Structure Setback	Minimum structure setbacks are as required in the underlying estate district zoning.

- d.) Modification of Specific Design Requirements. The requirements in Table 1 above may be modified where good cause may be demonstrated to the Planning Commission. Said modification will be granted for good architecture and urban planning. Said modifications will require two-thirds (2/3) vote of the Planning Commission. All votes for modification shall be separate and shall be made prior to the Planning Commission vote and recommendation to the City Council on the said project.

7. Lot Size. In order to encourage minimum grading, preservation of open space and natural amenities and topography, and provide for trails, paths and other community amenities, the minimum lot sizes for developments may be reduced with the "WH" Overlay zoning in accordance with Table 2 below:

Table 2: Minimum Lot Size Requirements			
Underlying Zoning District	Minimum Lot Size Required in Underlying Zoning District	Minimum Lot Size Permitted with WH Overlay	Average Lot Size Permitted with WH Overlay
E-2	2 acres	1 acre	2 acres
E-1	1 acre	22,000 sq ft	1 acre
E-1/2	½ acre	15,000 sq ft	22,000 sq ft

- a.) Modification of Average Lot Size. The average lot size requirement in Table 2 above may be modified where good cause may be demonstrated to the Planning Commission. Said modification will be granted for good architecture and urban planning. Said modification will require two-thirds (2/3) vote of the Planning Commission. All votes for modification shall be separate and shall be made prior to the Planning Commission vote and recommendation to the City Council on the said project.
8. The procedure for zoning to the "WH" Overlay District and site development plan approval is established in Article 02 of this UDC.

Amendment 2: Article 03-08.

USE TABLE FOR OVERLAYS AND SPECIAL PROCEDURES

Use Table for Overlays and Special Procedures

Uses: P-Permitted C-Conditional
 * means the use is allowed with conditions. See the district regulations of the underlying district in this Article for additional regulations

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
<i>CIVIC</i>					
Church and other places of worship					P
Community center					C
Library					C
Open air performance and educational facility		P*			
Parks	P				P
Public safety facility					P
Railroad switching yard and tracks and associated structures	C				
Retreat center					C
Wildlife reservations and forests including conservation projects					P
Wildlife habitats and fish hatcheries	P				
<i>RESIDENTIAL</i>					
Dwelling, single-family attached					P
Dwelling, single-family detached					P
Dormitories					C
Group residential facility					C
Yard areas for single-family lots	P*				
<i>PUBLIC/RECREATIONAL</i>					
Airport	C				
Art gallery		P			
Athletic fields	C				
Boat dock for other than commercial or industrial use	P				
Cemetery					C*

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
Club					C*
Farming	P				
Golf courses	P				
Hunting, fishing, and propagation of wildlife	P				
Mortuary					C
Museum		P			
Recreation facility	C				
Riding stable					C
Shooting range, outdoor	P				
Swimming pools-outdoor	P				
Swimming pools-indoor	P				
Theatre		P			
Theatre, drive-in	C				
OFFICE					
Office-dental				p*	
Office-general		P		P	
Office-medical				p*	
COMMERCIAL/SALES					
Newspaper stand			p*		
Restaurant, sit-down			p*		
Retail sales establishment, neighborhood			p*	p*	
Commercial sales facility				p*	
SERVICE/INDUSTRIAL					
Barber or beauty shop			p*		
Day care center			p*		C
Drug store and pharmacy			p*		
Extraction & processing of raw materials from the earth and processing thereof	C				
Hospice					C
Hospital					C
Kennel, boarding					C
Kennel, private					C
Laundromat			p*		
Nursing home					C
Open storage	C				
Tow yard	C				

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
EDUCATIONAL					
College/university					P
Educational facility		P			P
Kindergarten or nursery school					P
Specialized private school					C
UTILITIES					
Public utility facilities	p*				P
Public facilities over 60 ft. in height					C
Radio, television, and communication transmitting, receiving, or relay towers and facilities					C
Sewage treatment facilities, other than facilities permitted as an accessory use	C				C

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Amendment 3: Article 02-04.

PROCEDURES FOR ESTABLISHING PLANNED DISTRICTS AND SPECIAL PROCEDURES

3. Planning Commission Review and Recommendation. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. The recommendation shall address the proposed development and its relation to all applicable Sections of this UDC, the City of Chesterfield Comprehensive Plan, and compatibility with adjoining permitted developments and uses. A recommendation of approval or approval as amended shall include recommended conditions to be included in the ordinance, preliminary development plan, or permit authorizing the establishment of the Planned District or Special Procedure.

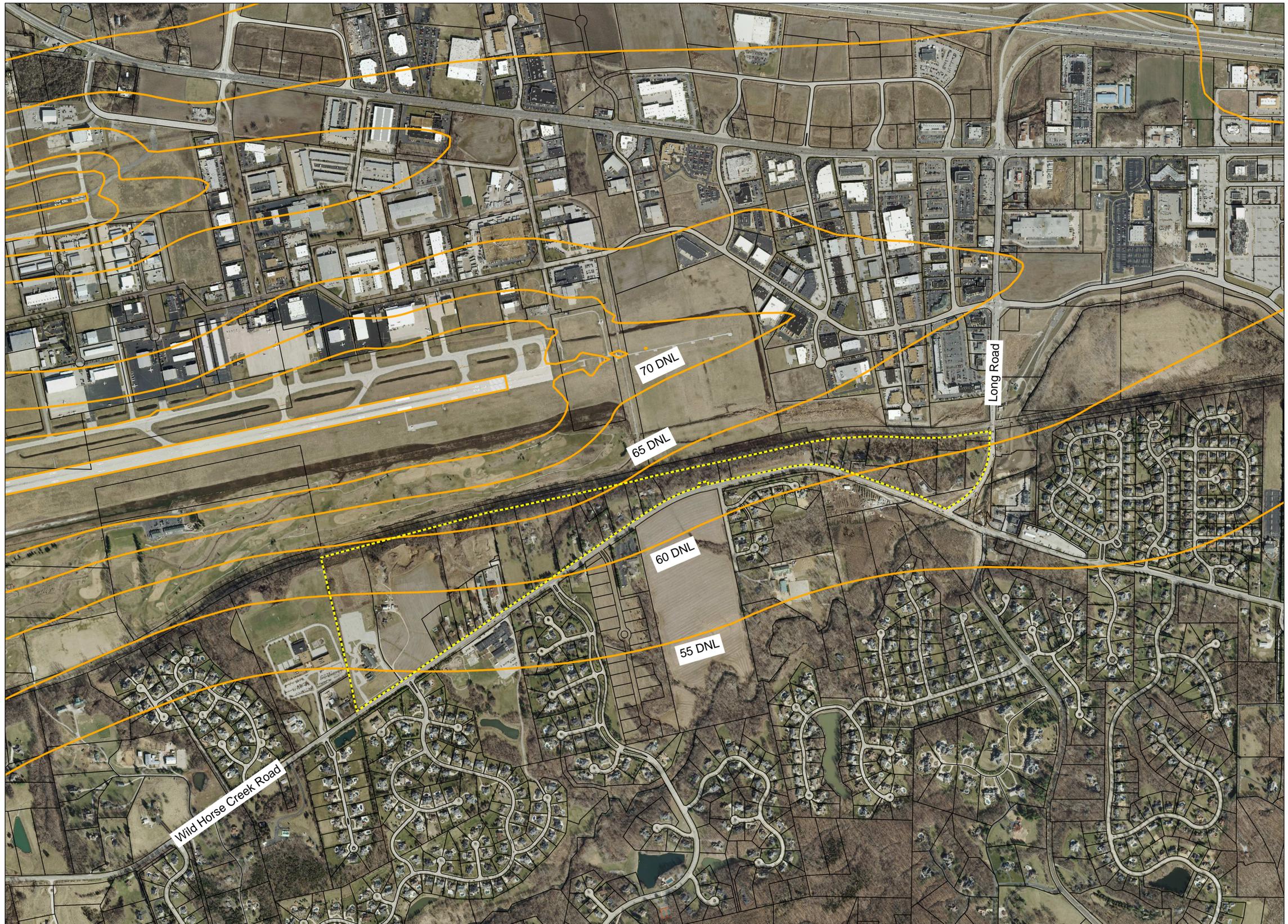
Amendment 4: Article 02-07.

WILD HORSE CREEK ROAD (WH) OVERLAY DISTRICT

A. Procedure.

1. The "WH" District is established as an Overlay District. An Overlay District is a special procedure which addresses circumstances or environmental safeguards and is superimposed over the underlying existing zoning district.
2. Properties required to zone to the "WH" Overlay District per Article 03.05 of this UDC must zone to one of the Estate District zoning classifications found in Article 3 of this UDC concurrently.
3. All properties in utilizing the "WH" Overlay District shall follow the procedures set forth for establishment of special procedures or amendments thereto in Section 02-04 of this Article of the UDC.
4. Development requirements are established by the underlying zoning district, the "WH" Overlay District, and the preliminary development plan.
5. Approval of development plans or amendments thereto shall be in accordance with Article 02-10 of this UDC.

WILD HORSE CREEK ROAD SUB AREA - EXHIBIT A



Legend

- DNL - Day Night Level (Noise)
- - - Wild Horse Creek Road Sub Area

Sub Area Description:
 The official boundaries of the Wild Horse Creek Road Sub Area are:
 Long Road to the east, Wild Horse Creek south, the bluffs to the north,
 and the western property line of West County Christian Church.
 (17795 Wild Horse Creek Road)



Information Provided By
CITY OF CHESTERFIELD
 DEPARTMENT OF PUBLIC SERVICES
 MAPPING/GIS

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