

Memorandum Planning & Development Services Division

To: Planning and Public Works Committee
From: Aimee Nassif, Planning and Development Services Division
Date: September 3, 2014
RE: PZ 14-2014 City of Chesterfield (Wild Horse Creek Road Overlay District Updates)

Summary

After discussion and direction from the Planning and Public Works Committee, Staff met with the Ordinance Review Committee of Planning Commission on necessary updates to the Wild Horse Overlay District. The Ordinance Review Committee reviewed the draft language which came out of the PPW Committee and recommended two amendments. The first was the removal of the **minimum average lot size** requirement and the second was removal of language which allowed modifications and variances to the design requirements of Table 1.

A Public Hearing and vote by the Planning Commission was held on August 25, 2014 on this application. After several comments and questions regarding the design requirements, existing site and area conditions, and building orientation, the Planning Commission recommended approval of the draft language by a vote of 8-0 with two amendments. These two amendments (which also individually passed by a vote of 8-0) are:

1. Language requiring trails and sidewalks on all developments in Table 1 was amended to state that ".....all development shall include sidewalks and/or trails."
2. Language was added to Table 1 under "Protection of Wild Horse Creek Road Character" regarding additional vegetative screening on lots in which the rear facades of residential structures front along Wild Horse Creek Road.

A third motion was also made to include existing language back into this updated draft which would allow for modification through 2/3s vote of the Planning Commission to the design standards of Table 1. However this motion failed by a vote of 4-4.

Attached to this report please find the Planning Commission Public Hearing and Vote Report and the draft language as recommended by the Planning Commission.

Respectfully submitted,

Aimee E. Nassif, AICP
Planning and Development Services Director

Attachments

1. Planning Commission Public Hearing & Vote Report
2. Legislation

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 2 SECTION 04.B.3 AND SECTION 07 AND ARTICLE 3 SECTION 05C AND SECTION 08 OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS PERTAINING TO THE WILD HORSE OVERLAY DISTRICT (LLR DISTRICT SECTION) (P.Z. 14-2014 CITY OF CHESTERFIELD {WILD HORSE CREEK ROAD OVERLAY DISTRICT UPDATES}).

WHEREAS, the City of Chesterfield Unified Development Code contains regulations and requirements pertaining to the development and construction of land within the City; and,

WHEREAS, the Unified Development Code serves to promote the public health, safety, and general welfare of the citizens of the City of Chesterfield; and,

WHEREAS, the City of Chesterfield seeks to update development criteria and standards pertaining to the Wild Horse Creek Road Overlay District; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 25, 2014; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval with amendments; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval; and,

WHEREAS, the City Council, having considered said request, voted to approve the amendments to Article 2 and 3 of the Unified Development Code pertaining to the Wild Horse Creek Road Overlay District.

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

Section 1. The City of Chesterfield hereby repeals Article 2 Sections 04.B.3 and Section 07 and Article 3 Section 05C and Section 08 of the Unified Development Code and replaces them with new Sections as set out in Attachment "A" which is attached hereto and made part thereof.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 3. The provisions of the Ordinance may be amended in the future by the City Council of the City of Chesterfield, after notice and hearing as provided by law.

Section 4. Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government, the more restrictive or protective of the City and the public shall apply.

Section 5. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 14-2014, requesting amendment embodied in this Ordinance and pursuant to the recommendations of the City of Chesterfield Planning Commission, Planning and Public Works Committee and City Council that said petition be granted and after public hearing, held by the Planning Commission on the 25th day of August, 2014, 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 6. This Ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 7. This ordinance shall be in full force and effect from and after its passage and approval.

Section 8. This Ordinance shall take effect immediately upon its publication, pursuant to applicable legal and procedural requirements.

Section 9. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: _____

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" 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:

Table 1: Specific Design Requirements

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 by the City of Chesterfield.
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. In addition, when any residential structure's rear façade fronts Wild Horse Creek Road, additional landscape buffering and vegetative screening such as landscape berms shall be provided within a permanent landscape easement to screen the view of the structure from Wild Horse Creek Road.
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.
Pedestrian Circulation	To achieve pedestrian circulation, all development shall include sidewalks and/or trails.
Preservation of Slopes and Natural Features	Development on slopes in excess of 20% shall be minimized to the greatest extent practicable except for necessary infrastructure and public improvements.
Protection of Historic Features	Future development shall minimize any impact to historic and heritage sites. Historic buildings and archeological sites shall be of utmost importance.

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
E-2	2 acres	1 acre
E-1	1 acre	22,000 sq ft
E-1/2	1/2 acre	15,000 sq ft

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 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

Amendment 3: Article 02-04.

PROCEDURES FOR ESTABLISHING PLANNED DISTRICTS AND SPECIAL PROCEDURES

- B. 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 03 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.



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Planning Commission Public Hearing & Vote Report

Meeting Date: August 25, 2014

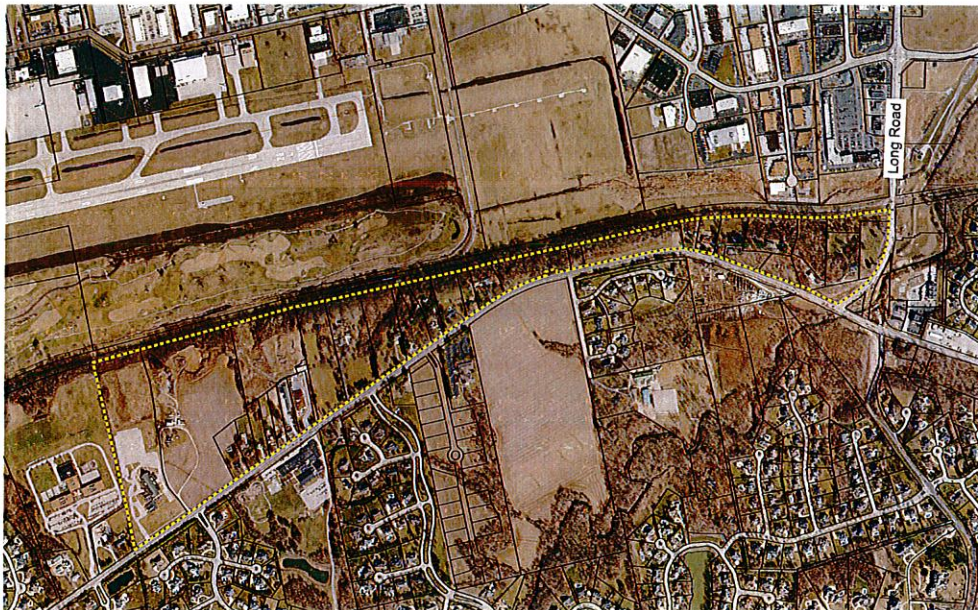
From: Aimee E. Nassif, AICP
Planning and Development Services Director

Location: City of Chesterfield

Petition: **P.Z. 14-2014 City of Chesterfield (Wild Horse Creek Road Overlay District Updates)**

Proposal History and Summary

In 2005, the City of Chesterfield conducted a planning study for future development in the area identified as the "Bow Tie" area. This area is comprised of approximately 110 acres of land on the north side of Wild Horse Creek Road, south of the bluffs and Spirit of St Louis Airport in Ward 4. Attached to this report is Exhibit A which identifies this area for you; an excerpt from that map is also provided below.



As a direct result of this Study, the Wild Horse Overlay District was created. **An overlay district is a zoning district created for specific areas within a community which have been identified as having special needs or characteristics which traditional zoning districts do not address. Properties located in a special study area may be zoned at the request of the property owner to a zoning district in conformance with the Comprehensive Land Use Plan; and are also zoned simultaneously with an Overlay District on top of it which adds an additional layer of requirements and criteria identified for the area.** For instance, instead of having a parcel zone to the Estate One Acre District (E-1), if said parcel is located in the "Bow Tie" area, it would be required to have the WH Overlay zoning as well. The official zoning maps of the City then reflect this as E-1/WH Overlay.

For some time, the City Council, City Staff and Planning Commission have expressed the need to revise and update the Wild Horse Overlay District (WH Overlay) development requirements. In addition, the City was successful in recent litigation involving the development criteria found in the WH Overlay District and Study, but the litigation also illustrated the need for clarification and revisions. 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".

With all this in mind, the City Staff prepared amendments to the criteria for the WH Overlay District. These amendments were prepared in consultation with the City Attorney Rob Heggie and presented to the Planning and Public Works Committee on July 24, 2014. After discussion and direction from the Planning and Public Works Committee, Staff met with the Ordinance Review Committee of Planning Commission. Staff received their input and recommendations and has finalized the proposed amendments for the WH Overlay District.

Identified Issues

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

- 1) The current WH Overlay District 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 office development.

- 2) Neighborhood Office development was shown on the Comprehensive Plan and in the Wild Horse Study as being appropriate due to the proximity to the airport and the potential concerns about airport noise. Specifically, it was determined that a setback for all residential development of 1,920 feet from the Spirit of St Louis Airport runway be established. This is identified on the following page and on the attached map for you marked as Exhibit B. This setback restriction is clearly more restrictive than the FAA recommendation that residential development not be located within the 65 DNL (day-night noise level) line. *See Exhibit B. In addition, conditions are vastly different now than they were in 2005, the number of flights comprise less than half of what the flight totals had been, the type of aircraft flown does not emit the levels of noise that aircraft flying out of Spirit once did, and mitigation efforts are regularly and successfully employed by other communities across the country 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 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 desirous, 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 desirous, 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. This development, known as Wild Horse Bluffs, is approximately 4 acres in size and outlined in red below.



Necessary Amendments

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:

1. Maintain the residential character of the Wild Horse Creek Road Study Sub Area (WH Sub Area);
2. Acknowledge and address the airport noise issues as they relate to future land use and development;
3. Eliminate the "neighborhood office" directive in the WH Sub Area;
4. Maintain consistency between the performance standards and lot size criteria previously established in the 2005 WH Sub Area Study and previously incorporated into the existing WH Overlay District regulations.

Due to the formatting of the WH Overlay District in the UDC and the way the amendments are identified, a red-line version is not available. However, a full copy of the affected Articles of the UDC is available online at the City's website.

In summary, the recommended amendments from the Ordinance Review Committee are as follows:

1. Eliminate the neighborhood office directive and establish that all property can be zoned E-2, E-1, or E-1/2 Acre Districts with the WH Overlay simultaneously.
2. Further explain and define design criteria and development requirements currently in the WH Overlay District.
3. Codify the minimum lot size requirement from the WH Study into the overlay district regulations.
4. Identify the inappropriateness of a planned, negotiated zoning district in the WH "Bow Tie" area by eliminating the possibility for PUD Zoning.
5. Eliminate the ability for modification of the specific performance standards and development requirements.

Request

The amendments to the WH Overlay District are necessary to facilitate orderly growth and future residential development in the "Bow Tie" area, as desired by City Council, property owners, and residents in the area. In addition, these necessary changes will assist in keeping future development in concert with the desired outcomes recognized in the Comprehensive Plan. A draft was presented to the PPW Committee and further discussed by the Ordinance Review Committee of the Planning Commission. The proposal presented for your consideration, was recommended for approval by the Ordinance Review Committee.

Staff is requesting action by the Planning Commission on these amendments to the WH Overlay District. After the vote is taken by the Planning Commission, this project will be presented before the PPW Committee for a recommendation to the City Council.

Respectfully Submitted,

Aimee E. Nassif, AICP
Planning and Development Services Director

Attachments

1. Public Hearing Notice
2. Proposed WH Overlay District
3. Exhibit A, Map of area identified as the "Bow Tie"
4. Exhibit B, Map of "Bow Tie" area with Noise Contour Levels and 1,920 residential dwelling setback line.

WILD HORSE CREEK ROAD SUB AREA - EXHIBIT A



1 inch = 500 feet
 0 250 500 1,000 1,500 2,000
 Feet

Legend

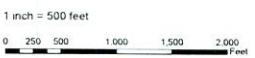
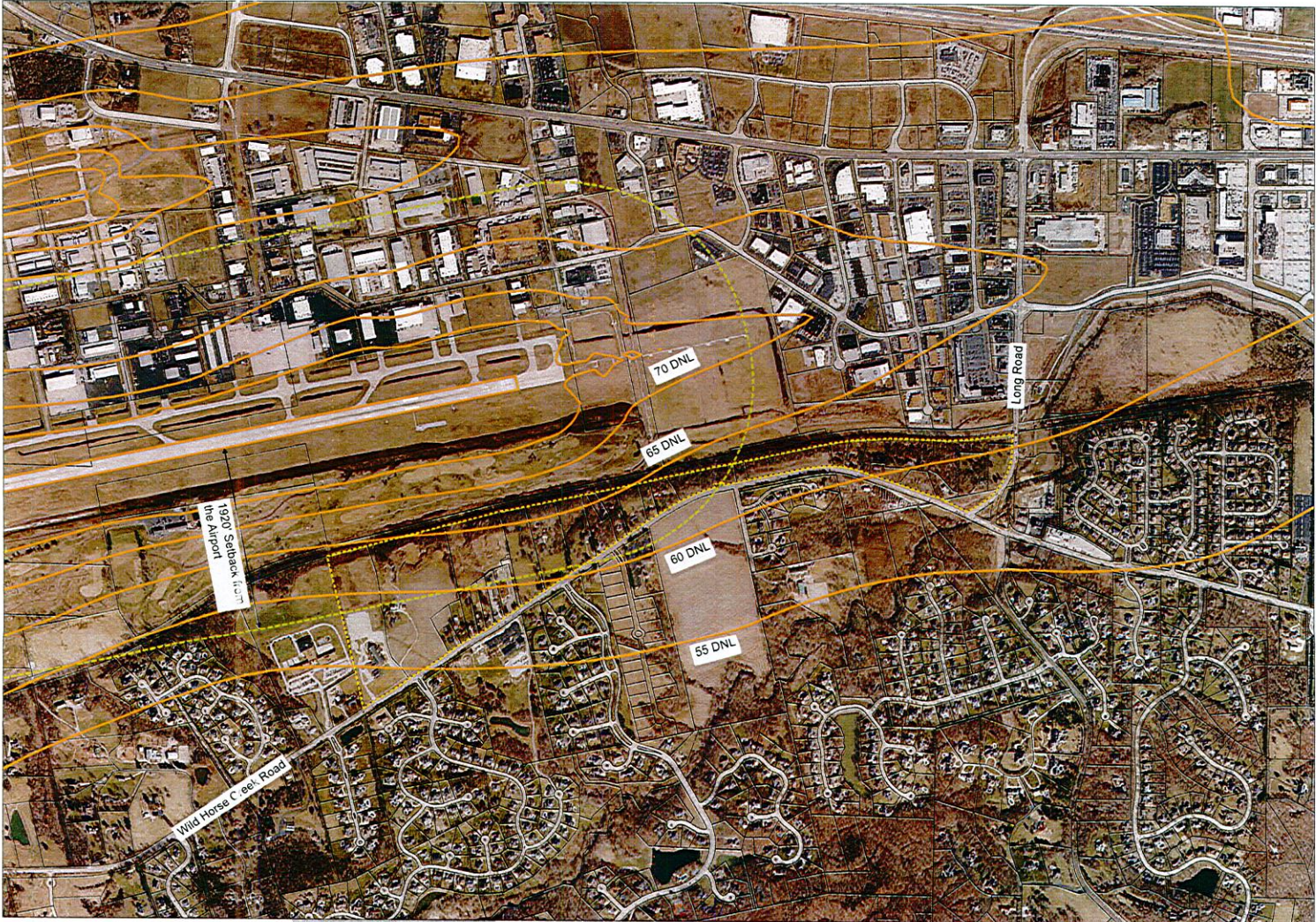
- DNL - Day Night Level (Noise)
- Wild Horse Creek Road Sub Area

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)



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WILD HORSE CREEK ROAD SUB AREA - EXHIBIT B



Legend

- DNL - Day Night Level (Noise)
- Wild Horse Creek Road Sub Area
- 1920 Ft Setback from Airport

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)



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