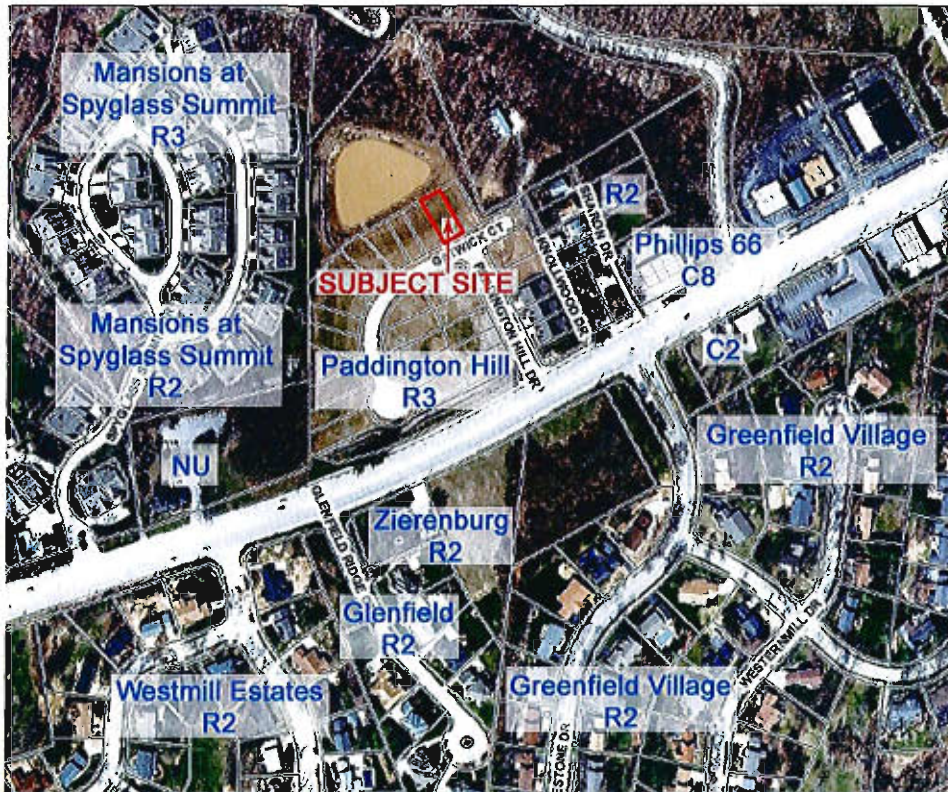


**Notice of Public Hearing
City of Chesterfield
Board of Adjustment**

NOTICE IS HERBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, November 4, 2010 at 7:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:

B.A. 02-2010 14345 Gatwick Court (Harl & Karen White): A request for a variance from City of Chesterfield Ordinance Number 2101 to permit a residential lot in the Paddington Hill Subdivision to maintain a thirteen (13) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback. (16R330518)

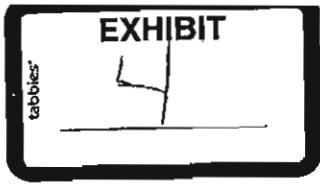


All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Aimee Nassif, Planning and Development Services Director by telephone at 636-537-4749 or by email at anassif@chesterfield.mo.us.

City of Chesterfield

Aimee Nassif, AICP
Planning and Development Services Director



IV.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Board of Adjustment Staff Report

Variance Type: Area or Bulk

Meeting Date: November 4, 2010

From: Aimee Nassif, AICP
Planning and Development Services Director

Location: 14345 Gatwick Court

Applicant: Harl and Karen White

Description: **B.A. 02-2010 14345 Gatwick Court (Harl and Karen White):** A request for a variance from City of Chesterfield Ordinance Number 2101 to permit a residential lot in the Paddington Hill Subdivision to maintain a thirteen (13) foot rear yard setback in lieu of the required fifteen (15) foot rear yard setback.

PROPOSAL SUMMARY

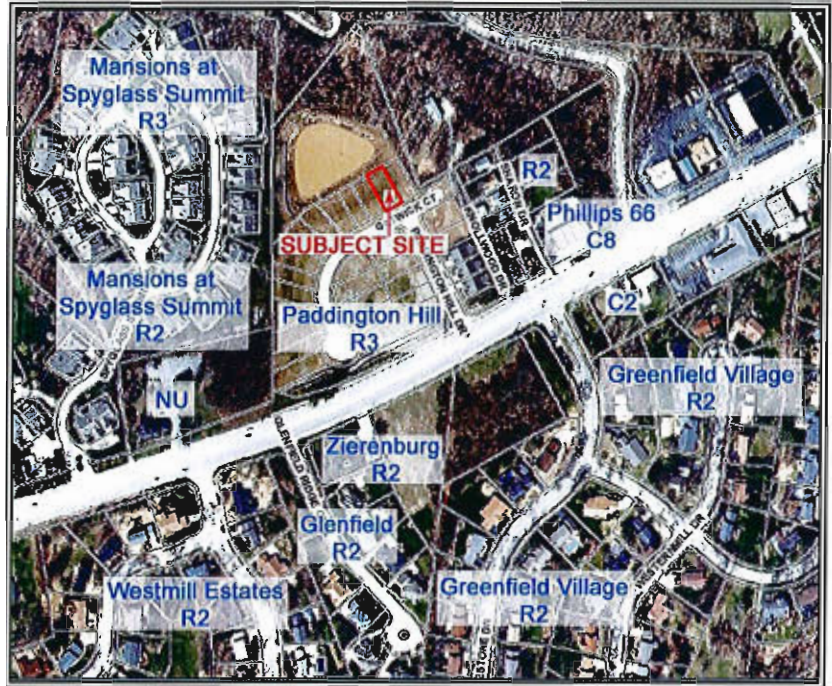
Harl and Karen White are requesting a thirteen (13) foot rear yard setback in lieu of the fifteen (15) foot required setback established in the site specific ordinance for this subdivision. The purpose for this area variance request is to accommodate construction of a deck in the rear of this residential structure.

An application submitted by Harl and Karen White is attached hereto which includes an explanation of the above referenced request, statement of unnecessary hardship, description of the effect or impact on neighboring properties. Also attached for your reference is a copy of the Municipal Zoning Application which was rejected by the Department on October 11, 2010.

SITE HISTORY

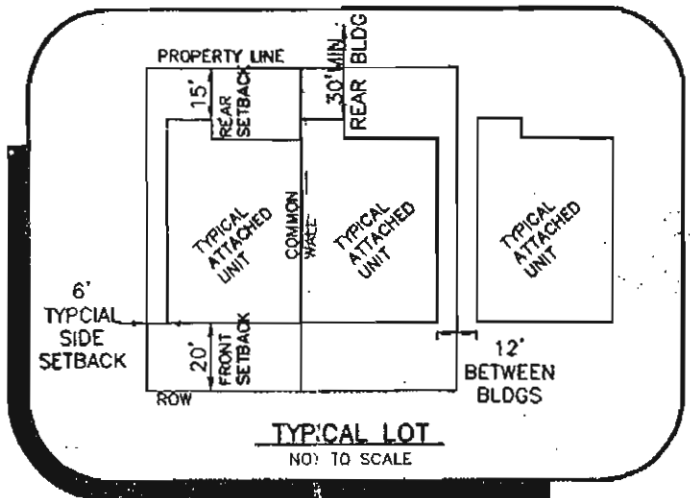
The Paddington Hill Subdivision was originally zoned "R-3" Residence District with a Planned Environment Unit (PEU) in June 2004. The site consists of 7.8 acres of land and zoning entitlements allow for the construction of 27 single family attached residences.

The map to the right depicts the subject site with the zoning and development names of the surrounding parcels. This subject site is located in Ward I of the City of Chesterfield.



The structure setbacks for this development as required per the site specific ordinance, Ordinance Number 2101, are as follows:

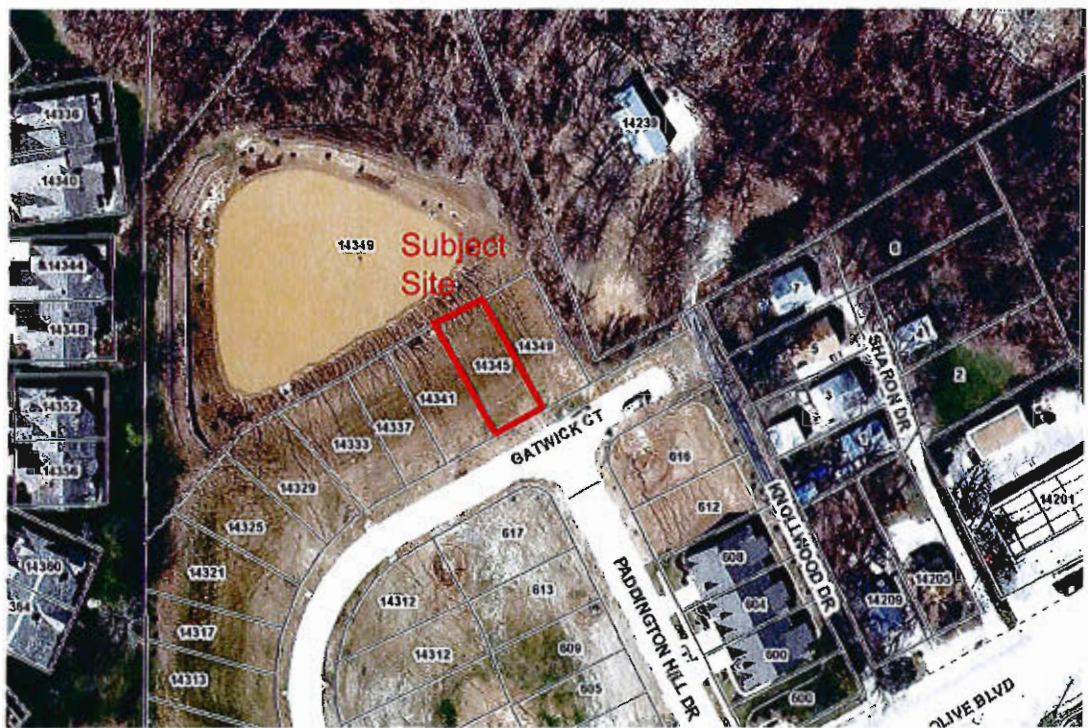
1. Minimum front yard setback is 20 feet.
2. Minimum rear yard setback is 15 feet with a minimum between structures of 30 feet.
3. Minimum side yard setback is 6 feet with a minimum between structures of 12 feet.



After the change of zoning was approved, the Site Development Plan for Paddington Hill Subdivision was approved and subsequently, in June 2007 an amended Record Plat was approved which platted the subdivision into 27 residential lots with approximately 3 acres of common ground. The residential lots range in size from approximately 4,200 square feet to approximately 7,200 square feet.

EXISTING CONDITIONS

Construction is currently underway for Paddington Hill. To date building permits have been approved for the construction of 17 lots. The White's parcel is shown below.



*The White's structure was recently constructed; therefore maps depicting the structure on this lot are not currently available.

In August 2010, the White's submitted a Municipal Zoning Application (or MZA) to the Department for construction of a deck at the rear of the structure. The deck was shown to encroach into the rear yard setback and general utility easement by two (2) feet.

This is a photo of 14345 Gatwick Court which is an attached residential dwelling. The adjoining unit is 14349 Gatwick Court which has also filed an application for a variance to the rear yard setback requirement to accommodate construction of a deck.



As mentioned previously, the deck proposed by the White's encroaches into both the rear structure setback and general utility easement. For your review and consideration is the matter related to the structure setback only. Construction within a utility easement is permitted provided that all utilities with legal interest in the easement submit written consent for the encroachment. The City of Chesterfield is one such entity, and after review of the improvement plans, it was determined that consent would be granted.

Approval Criteria

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.
2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D., 2003).
3. The burden of proving the elements is on the applicant.
4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
5. Section 2-216 of the City of Chesterfield Municipal code states that the Board of Adjustment shall have the following powers:

"To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical

difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public."

Staff requests action by the Board of Adjustment on B.A. 02-2010 14345 Gatwick Court

Exhibits

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Application
 - a. Application to Board of Adjustment
 - b. Rejected Application
 - c. Photos of site from Applicants
 - d. Approval from Paddington Hill Homeowners
6. City of Chesterfield Ordinance 2101

II. PROPERTY INFORMATION

Project Address: 14345 GARWICK CT. LOT 7-16R330518

Locator Number(s):

(List additional locator numbers on separate sheet and attach to petition)

Acreage: (To the nearest tenth of an acre)

Subdivision Name (If applicable): PADDINGTON HILLS

Current Zoning District: R-3 P.E.U.

Legal Description of Property: LOT 7 OF AMMENDED PLAT OF PADDINGTON HILL A SUBDIVISION LOCATED IN ST. LOUIS COUNTY RECORDED AT BOOK 355 pg. 439 OF ST LOUIS COUNTY RECORDS

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.): LAND SLOPES TO RETAINING POND BEHIND OUR HOME. VERY LITTLE LAND SUITABLE FOR WALKING ON.

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement: LAND SLOPES TO A FAIRLY STEEP GRADE, SO WE WOULD PROBABLY JUST USE OUR DECK TO GO OUTSIDE.

(Attach additional sheets as necessary)

Ordinance Number and section to which a variance is sought: 2101 SECTION V(A)(1)(E)(ii)

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

VERY limited amount of walkable land behind our Villa Home. THE grade is steep AND could be difficult to WALK ON for Senior citizens. WE ENJOY sitting outside on comfortable PATIO FURNITURE WHICH would be difficult to fit ON a SMALLER DECK. WE BELIEVE THE EXTRA 2 FEET OF room would better be in proportion to the size AND upscale price range of the HOME. WE BACK TO COMMON GROUND AND WOULD NOT INFRINGE ON anyone. OUR ATTACHED NEIGHBOR IS USING THE SAME DECK BUILDER & COMPOSITE MATERIALS to FURTHER INHANCE THE PROPERTY VALUE. THE DECK WILL BASICALLY BE OUR ONLY SOURCE OF OUTDOOR ENJOYMENT. NOT TO BE ALLOWED THIS VARIANCE OF 2 FEET would HINDER US OF COMPLETING OUR dream HOME AND TEND TO DEVALUE OUR Property. WE Hope that you will all agree. THANK YOU. HARL + KAREN WHITE

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties:

WE BACK TO COMMON GROUND. OUR NEIGHBORS ARE USEING THE SAME DECK BUILDER AND UPSCALE COMPOSITE MATERIALS TO FURTHER INHANCE OUR PROPERTY VALUES.

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height:

| | The Petitioner(s) request the following setback(s): | City of Chesterfield Regulations require the following setback(s) for this site: |
|-------------|---|--|
| Front Yard: | N/A | N/A |
| Side Yard: | N/A | N/A |
| Rear Yard: | 13' | 15' |
| Height: | N/A | N/A |

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

N/A

For Sign Variance Requests, complete the following section:

B. Signage:

The Petitioner(s) request the following :

City of Chesterfield Regulations allow the following for this site:

Number of attached business signs: _____

Size of attached business signs: _____

Number of freestanding business signs: _____

Size of freestanding business signs: _____

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Twenty-five (25) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain: _____

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain: _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

N/A

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf to submit, this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the owner ___ contract purchaser. (check (✓) one)

HARL L WHITE
(Name- type, stamp or print clearly)

Harth White
(Signature)
14345 GATWICK CT.
(Address, City, State, Zip)
CHESTERFIELD, MO 63017

(Name of Firm)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 13th day of OCT 20 10.

Signed Kim A. Kuntz Print Name: Kim A. Kuntz
Notary Public

Seal/Stamp:

My Commission Expires: 4-17-12



VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: PADDINGTON HILL Submittal Date: 10/14/10

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one: I am the property owner. I am the contract purchaser.
 I am the duly appointed agent of the petitioner.

HARL L WHITE
(Name- type, stamp or print clearly)

Harl L White
(Signature)

(Name of Firm)

14345 GATWICK CT
CHESTERFIELD MO 63017
(Address, City, State, Zip)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 13th day of OCT 2010.

Signed Kim A Kuntz
Notary Public

Print Name: Kim A. Kuntz

Seal/Stamp:

KIM A KUNTZ
Notary Public - Notary Seal
State of Missouri
Commissioned for St Charles County
My Commission Expires: April 17, 2012
Commission Number: 08537548

My Commission Expires: 4-17-12

**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Director of Finance
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

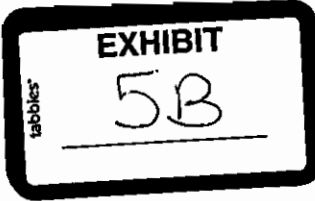
Intake Date: _____

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed: _____

Chairman

[THIS PAGE FOR INTERNAL USE]



OFFICE USE ONLY

MZA #: 100722
 Locator #: R330518
 Subdivision: Lot 7, W.L.R3
Piedinghor Hill

II. MUNICIPAL ZONING APPROVAL APPLICATION

Please type or print legibly in ink, complete all parts, and sign and date application
 Completed application and all other requirements must be submitted to the City of Chesterfield
 Department of Planning and Public Works.

Project Address: 14345 GATWICK CT. Zip: 63017

Property Owner Name(s): HARL WHITE
 Property Owner Address (if different than above): 14345 GATWICK CT.
 City: CHESTERFIELD State: MO Zip: 63017

Tenant Name (if different than above): N/A
 Existing Tenant Proposed Tenant

Applicant Name: CALIFORNIA CUSTOM DECKS Attn: VICKI LEESMANN
 Applicant Address: 9227 MANCHESTER RD.
 City: Rock Hill State: MO Zip: 63144
 Phone Number: 314-968-3325 Fax: 314-968-3326
 E-mail: vicki@caldecks.com

Description of Work: 14'x21' DECK

FOR EXTERIOR RESIDENTIAL WORK ONLY. PLEASE SIGN THE FOLLOWING:
 As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.
Harl White
 Signature

FOR RESIDENTIAL AND COMMERCIAL USE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ACCOMPANYING PLANS IS TRUE AND CORRECT, AND THAT I WILL CONFORM TO ALL APPLICABLE LAWS OF THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY

PROPERTY OWNER SIGNATURE: Harl White DATE: _____
 APPLICANT SIGNATURE: Vicki Leeman DATE: 08/17/10
 (If other than Property Owner)

08/17/2010

2084 MZM 100722

Kristine Kelley

From: Kristine Kelley
Sent: Monday, October 11, 2010 9:30 AM
To: 'vicki@caldecks.com'
Subject: RE: Municipal Zoning Application MZA_100722

Project Location: 14345 GATWICK CT
Work: Porch/Patio/Deck
Application Status: Rejected

Hi Vicki,
Your application cannot be approved based on:

The Deck encroaches the 15' setback. The application will need to go before the Board of Adjustment.

If you have any questions, please contact me at City Hall:
690 Chesterfield Parkway W
Chesterfield, MO 63017
(636)537-4748



City of Chesterfield

OFFICE USE ONLY

MZA #: 100722

Locator #: 16R330518

Subdivision: Lot 7, W1, R3
Paddington Hill

II. MUNICIPAL ZONING APPROVAL APPLICATION

Please type or print legibly in ink, complete all parts, and sign and date application.
Completed application and all other requirements must be submitted to the City of Chesterfield
Department of Planning and Public Works.

Project Address: 14345 GATWICK CT. Zip: 63017

Property Owner Name(s): HARL WHITE
Property Owner Address (if different than above): 14345 GATWICK CT.
City: CHESTERFIELD State: MO Zip: 63017

Tenant Name (if different than above): N/A
 Existing Tenant Proposed Tenant

Applicant Name: CALIFORNIA CUSTOM DECKS Attn: VICKI LEESMANN
Applicant Address: 9227 MANCHESTER RD.
City: ROCK HILL State: MO Zip: 63144
Phone Number: 314-968-3325 Fax: 314-968-3326
E-mail: vicki@caldecks.com
Description of Work: 14' x 21' DECK

FOR EXTERIOR RESIDENTIAL WORK ONLY, PLEASE SIGN THE FOLLOWING:

As the Property Owner of the above-referenced address, I have notified all subdivision trustees and adjacent property owners of said application.

Harl White
Signature

FOR RESIDENTIAL AND COMMERCIAL USE

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ACCOMPANYING PLANS IS TRUE AND CORRECT, AND THAT I WILL CONFORM TO ALL APPLICABLE LAWS OF THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY.

PROPERTY OWNER SIGNATURE: Harl White DATE: _____

APPLICANT SIGNATURE: _____ DATE: _____
(If other than Property Owner)



0284-MZA-100722



Rejected

MZA_100722

Date: 10/8/2010

| Property Address | Subdivision | Lot |
|------------------|---------------------|-----|
| 14345 GATWICK CT | 284 PADDINGTON HILL | 7 |

| Locator # | Ward | Date Received | Flood Plain |
|-----------|------|---------------|-------------|
| 16R330518 | 1 | 8/17/2010 | NO |

| Zoning Class | Type |
|--------------|------------------|
| R3 | Porch/Patio/Deck |

| Property Owner | Tenant |
|----------------|--------|
| Harl White | Deck |

| Applicant |
|-------------------------|
| California Custom Decks |

Comments
 8/17/2010 - Complete - Kkelley - Faxed the application to Vicki for signature.
 8/19/2010 - Rejected - KMcMahan - deck in easement
 8/19/2010 - Rejected - DRedhead - deck also encroaches the 15 foot rear yard setback.

| Status | Rejected | Date | 8/19/2010 | By | by Derrick Redhead, Code Enforcement Inspector |
|--------|----------|------|-----------|----|--|
|--------|----------|------|-----------|----|--|

Rejected by Derrick Redhead 8/19/10
signature
MARA PERRY 10/11/10
SENIOR PLANNER

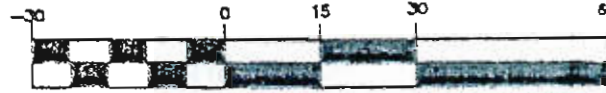
ADVISORY:

Applications for Municipal Zoning Approval that are not approved may be resubmitted once changes have been made. Please note that relief from some requirements, in the form of a variance, may be requested via application to the Board of Adjustment; please call the Department of Planning and Public Works at (636) 537-4746.

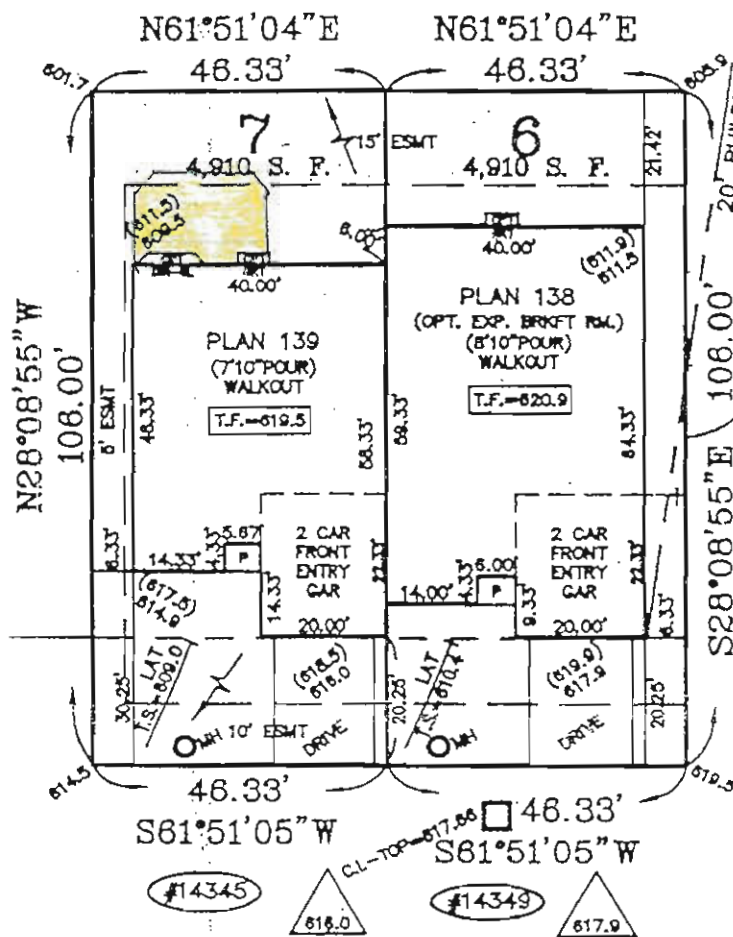
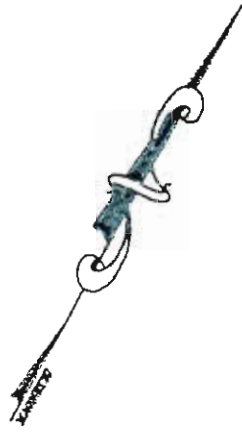
AMENDED PLAT OF
PADDINGTON HILL
 TRACT OF LAND IN U.S. SURVEY 206,
 TOWNSHIP 46 NORTH, RANGE 4 EAST,
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI
 (P.B. 355, PG. 439)

NOTE: All easements shown per Record Plat.
 No title binder was provided at time of drawing.

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.



GATWICK (50'W) COURT

Plot Plan Prepared by
 THE STERLING COMPANY (314) 487-0440

Notes:

1. Finished grades at the building to be a minimum of 8 inches below top of foundation for wood frame and 4 inches below for wood frame with brick veneer.
2. All wood framing members that rest on top of the foundation located less than 8 inches above the exposed ground and all other wood less than 8 inches from the ground shall be pressure treated in accordance with Section K319.1.
3. Grade shall be noted to slope away from foundation a minimum of a 8 inch drop within the first 10 feet or to a swale. (except in the City of O'Fallon a minimum 2% drainage slope)
4. Foundation footings shall be constructed so as to maintain a 2' 5" depth of earth cover or as required by local building codes.
5. This plot plan conforms to "2006 ST. LOUIS COUNTY CODE".
6. Elevation Examples: 714.0-Existing Elevation, (714.0)-Proposed Elevation.

THIS IS NOT A SURVEY AND DOES NOT MEET THE "MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEY" (10 CSR 30-2 AND 20 CSR 2030-16 EFFECTIVE DATE AUGUST 26, 2006).

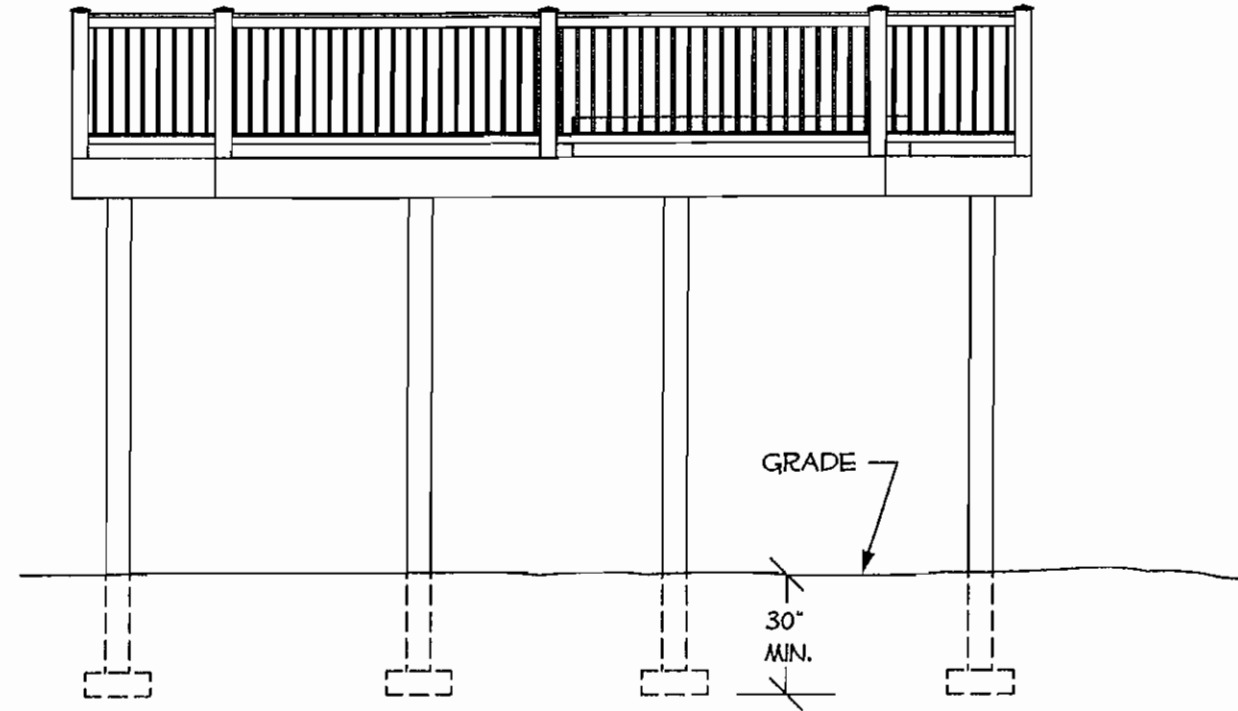
P.P. FDN. FNL

| | | | |
|---------|------|--|--|
| DRAWN | S.S. | | |
| CHECKED | | | |

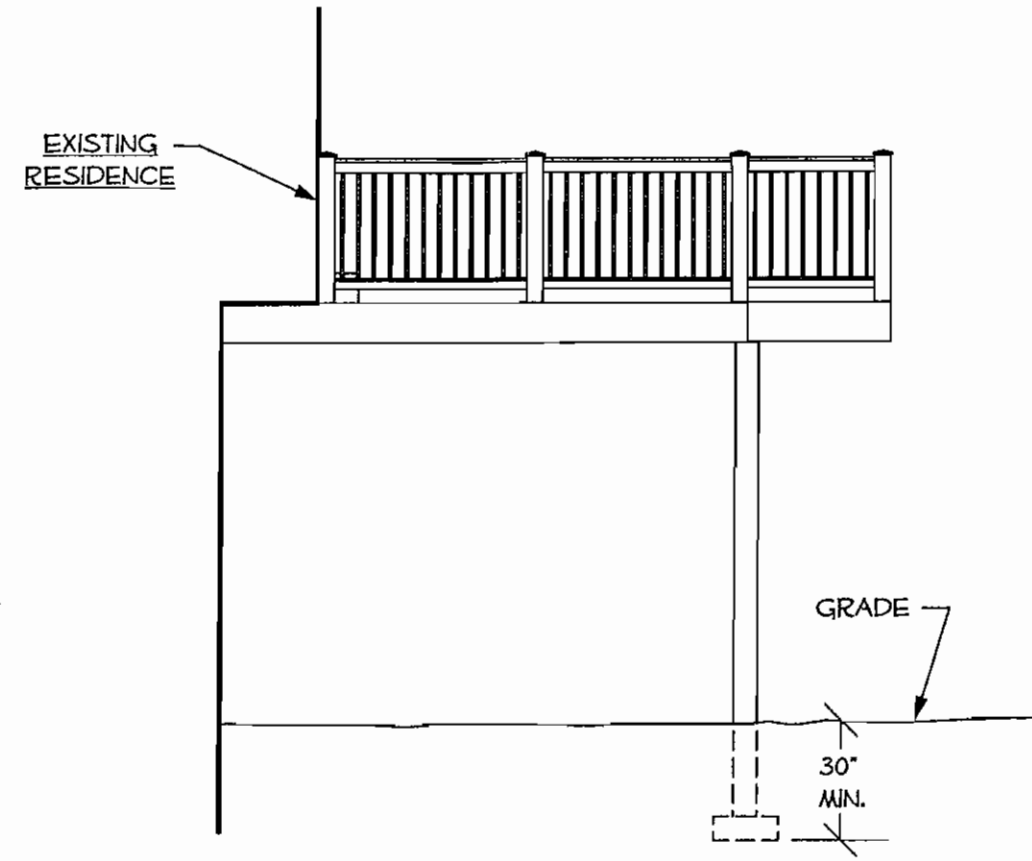
Drawing name: G:\SDSKPROJ\0911306 Paddington Hill\dwg\Plot Plans\Lot6-7.dwg Plotted on: Apr 16, 2010 - 2:39pm Plotted by: sechutz

100% Deck in Easement
 Rejected
 KRM 8/19/10

AUG 17 2010
 DEPT. OF PUBLIC WORKS

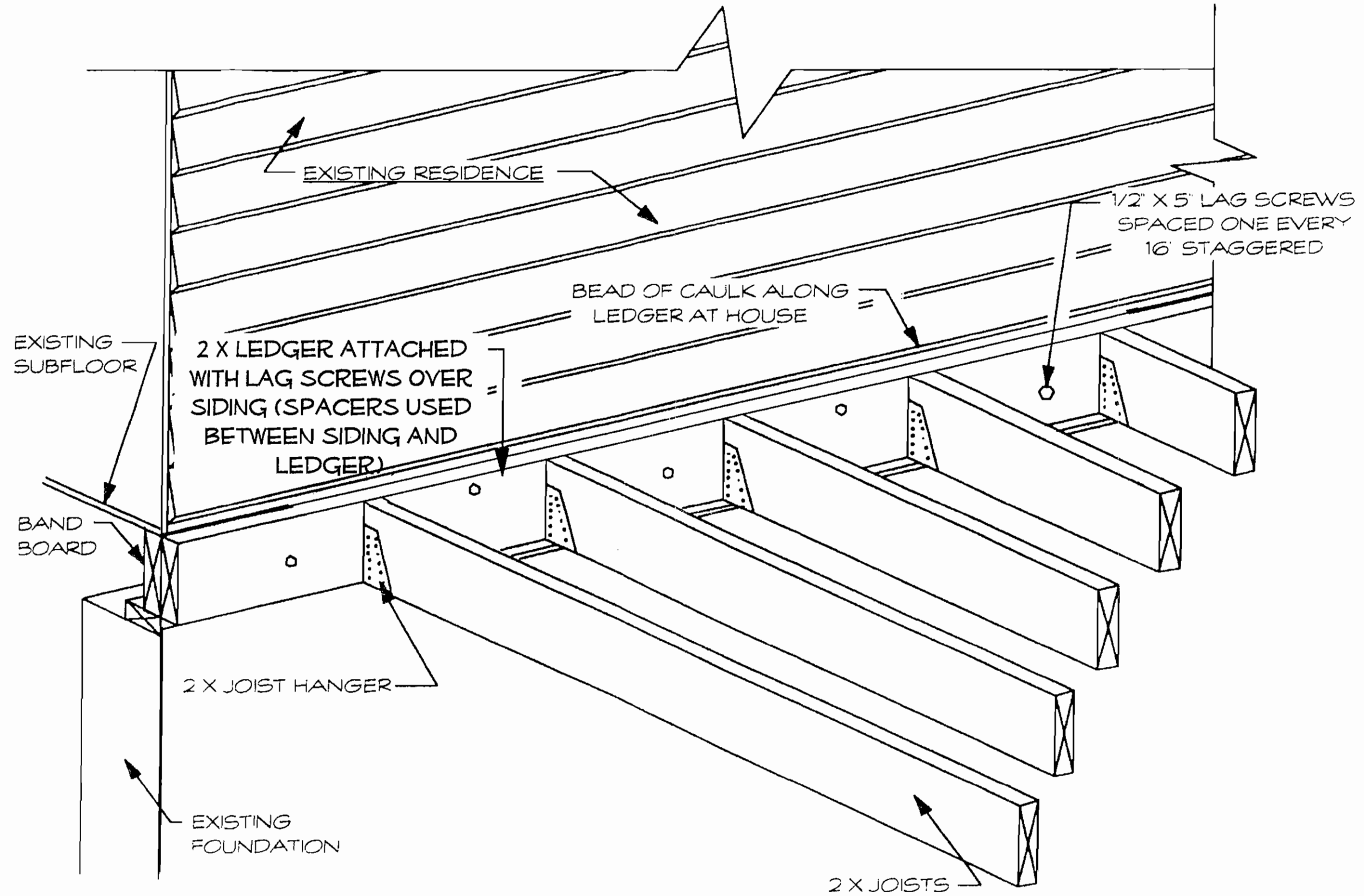


NORTH ELEVATION (LOOKING SOUTH)

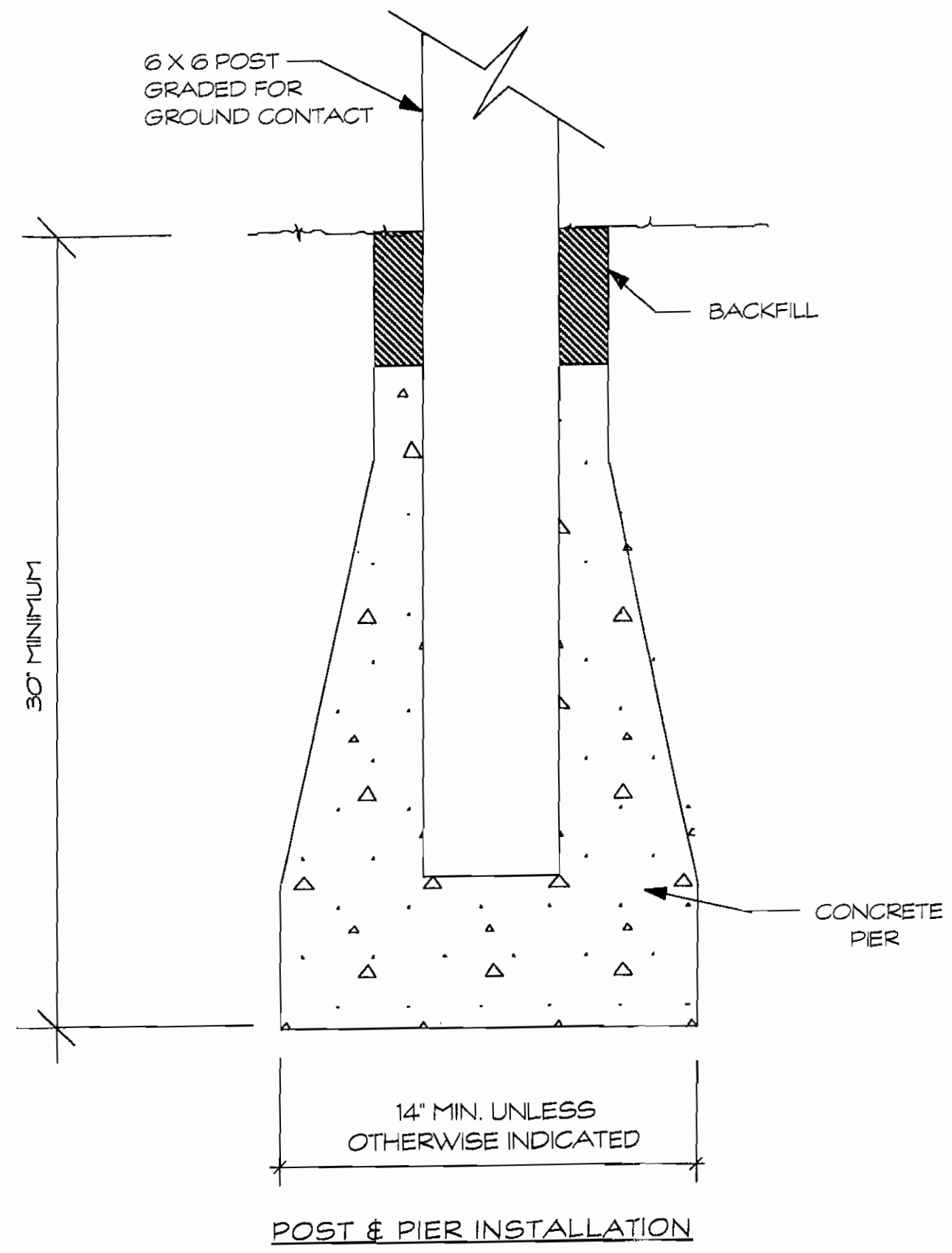


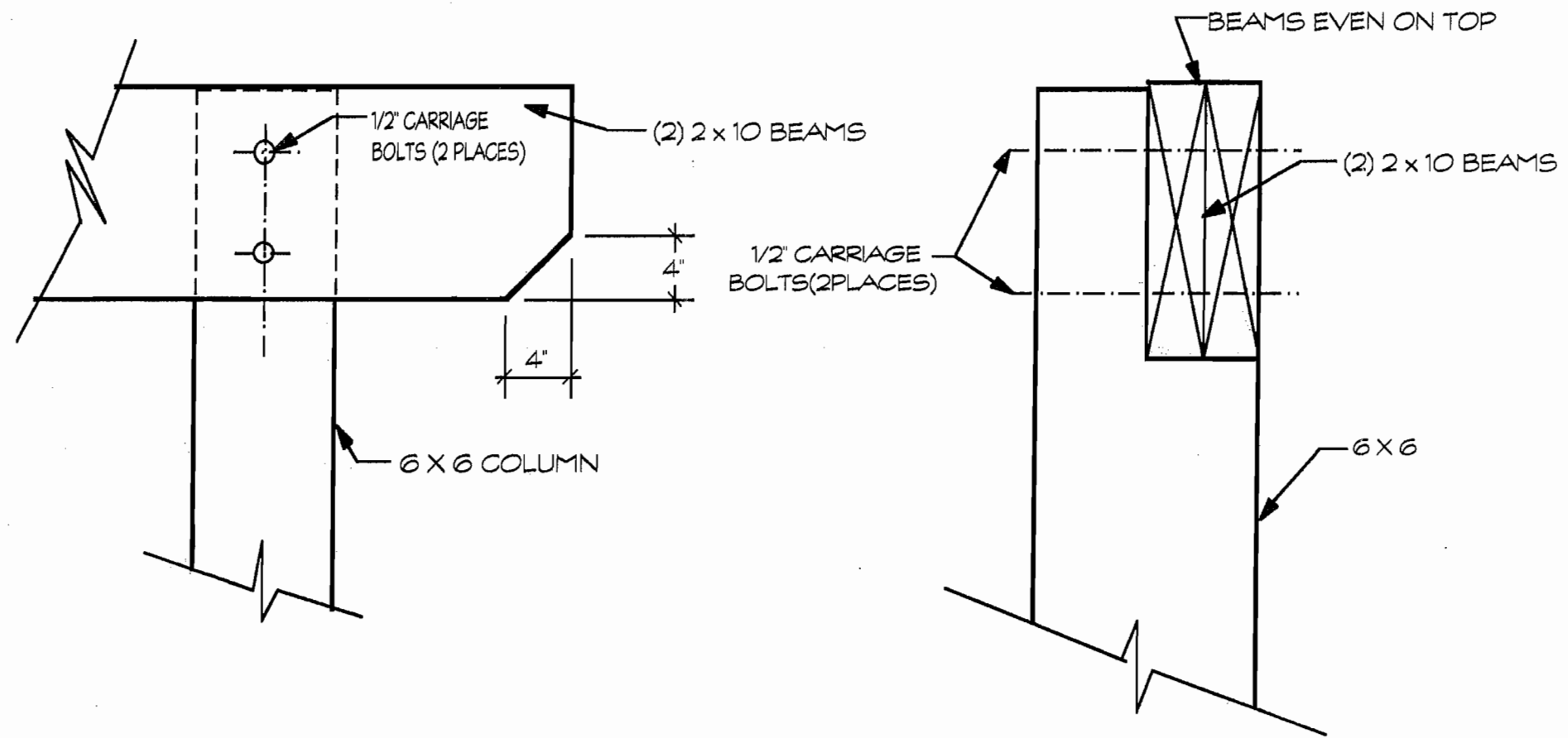
EAST ELEVATION (LOOKING WEST)

| | | |
|--------------------------------------|----------------|----------------|
| CALIFORNIA CUSTOM DECKS, INC. | | |
| CUSTOMER: | WHITE | JOB NO.: 595 |
| SCALE: | 1/4" = 1' - 0" | DATE: 08/12/10 |

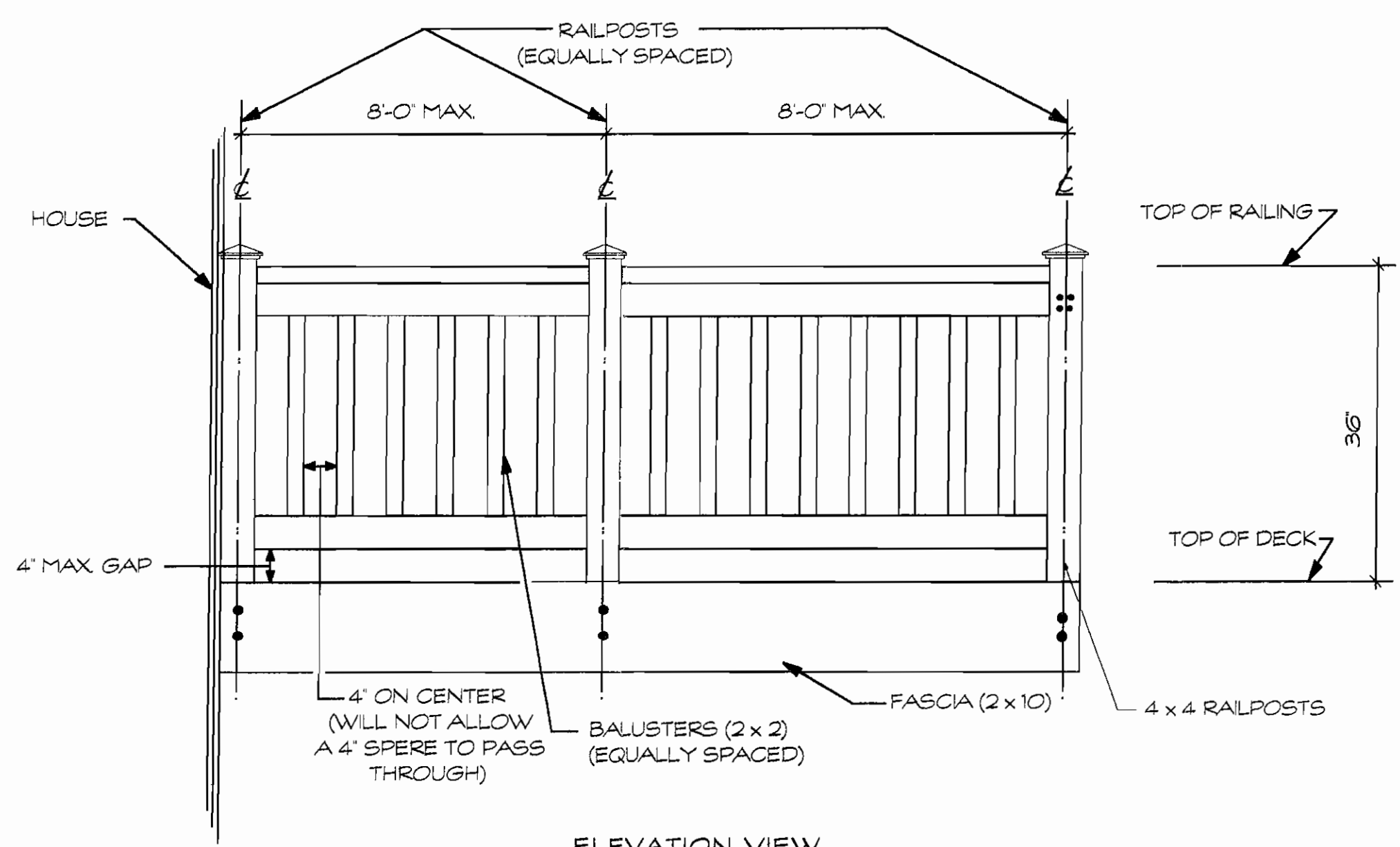


LEDGER ATTACHMENT
CONSTRUCTION VIEW





6 X 6 COLUMN - BEAM ATTACHMENT DETAIL

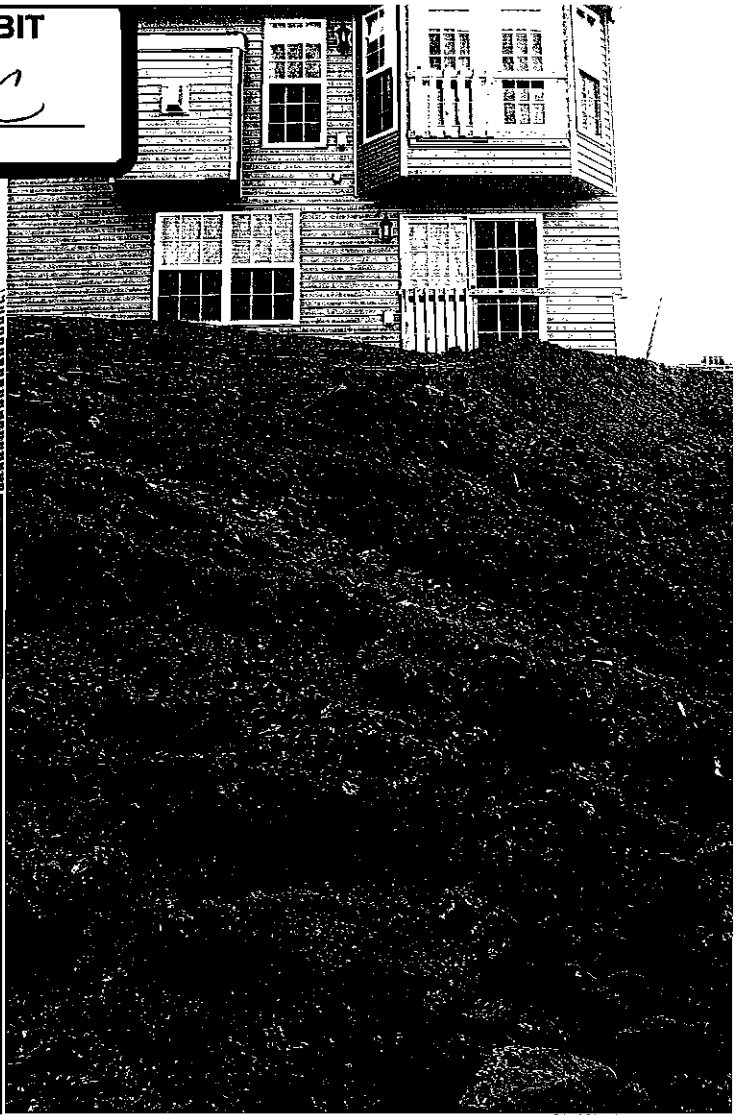
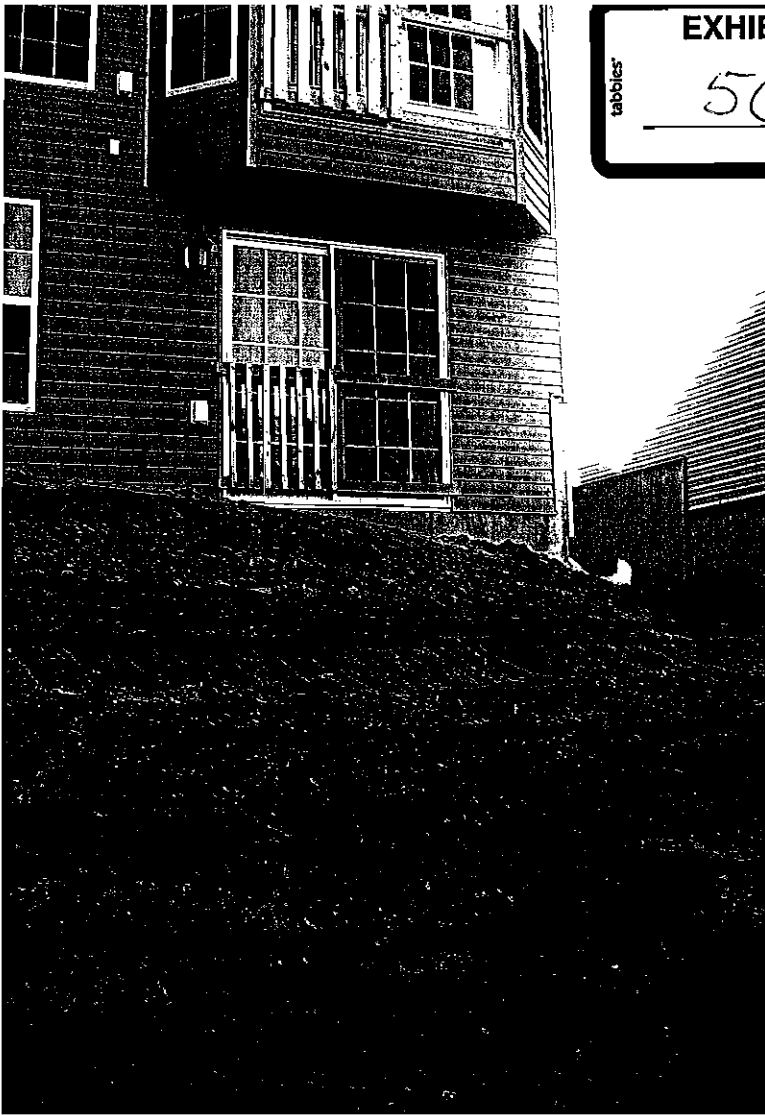


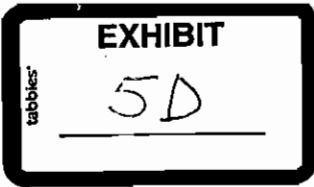
ELEVATION VIEW
RAILING INSTALLATION

EXHIBIT

tabbies

5C





Robert and Kathryn Gatheman
Paddington Hill Lot #6
14349 Gatwick Court
Chesterfield MO, 63017

October 14, 2010

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Paddington Hill Subdivision, request for Variance of Rear Yard Setback for Lot No. 7

To Whom it May Concern:

Harl and Karen White informed me of their request for a variance on Lot 7 of Paddington Hill Subdivision. Harl and Karen White are seeking to reduce the existing rear-yard setback from fifteen feet (15') to 13 feet in order to accommodate the construction of a deck on the Lot. I have no objection to this variance request and support Harl and Karen in their request to modify the rear-yard setback to accommodate the construction of a deck.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Gatheman", written over a horizontal line.

A handwritten signature in black ink, appearing to read "Kathryn Gatheman", written over a horizontal line.

Robert and Kathryn Gatheman

Community Managers Associates, Inc.
14323 S. Outer Forty Drive, Ste. 301 N.
Chesterfield, MO 63017
Phone: 314-878-0025

CMA

DATE: October 04, 2010

TO: Harl & Karen White
14345 Gatwick Court
Chesterfield MO 63017

FROM: Linda Shelby
Managing Agent, Paddington Hill Homeowners
314-878-0024 ext 115
314-878-2773 Fax
Shelby@cmamgrs.com

RE: Architectural Control Request
14345 Gatwick Court



The Board of Directors of Paddington Hill Homeowners has reviewed your request and the following is the result of their collective decision.

Deck - APPROVED

Comments:

REQUEST FOR DIRECTOR APPROVAL

This form **MUST** accompany all requests

Date 9/28/10 Lot# 7 Address 14345 Hatwick Court *Chesterfield, Mo 63017*
Owner Mark & Karen White Phone 314 205 7088

This request is for: Building a deck off the dining room bay in the rear of the home

This request has been approved by Dick Sizzeon 9/28/10.

For approval, all submissions must include the following information:

- _____ Type of material used (decks, additions and fences)
- _____ Actual drawing of item
- _____ Plot plan showing the location of the proposed submission in relation to home
- _____ A description as accurate as possible (pictures and drawing are always helpful)

1. Please read your Indentures prior to submitting any requests. This can save both time and expense.
2. Directors only approve based on style, type, size and location of requested additions. Where any question(s) exist, the Indentures will be used as the determining guide, except in the case of Architectural Control Committees whose determination will be final.
3. Under no circumstances does the Directors' approval indicate full authorization. Anyone submitting should get the necessary government (City and/or County Planning and Building Commissions) authorization for all planned work.
4. If you proceed with work without getting all necessary approvals, you may be subject to legal proceedings as well as having to remove any unauthorized improvement.

Mark & Karen White
Homeowner's Signature

9/28/10
Date

Unless you are notified otherwise, this request form along with all pertinent information should be mailed to:

Paddington Hill
c/o CMA, Inc.
14323 South Outer Forty Road, Suite 301N
Chesterfield, MO 63017

This request is:

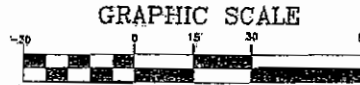
- _____ Approved
- _____ Denied for the following reasons: _____
- _____
- _____

Board of Director's Signature

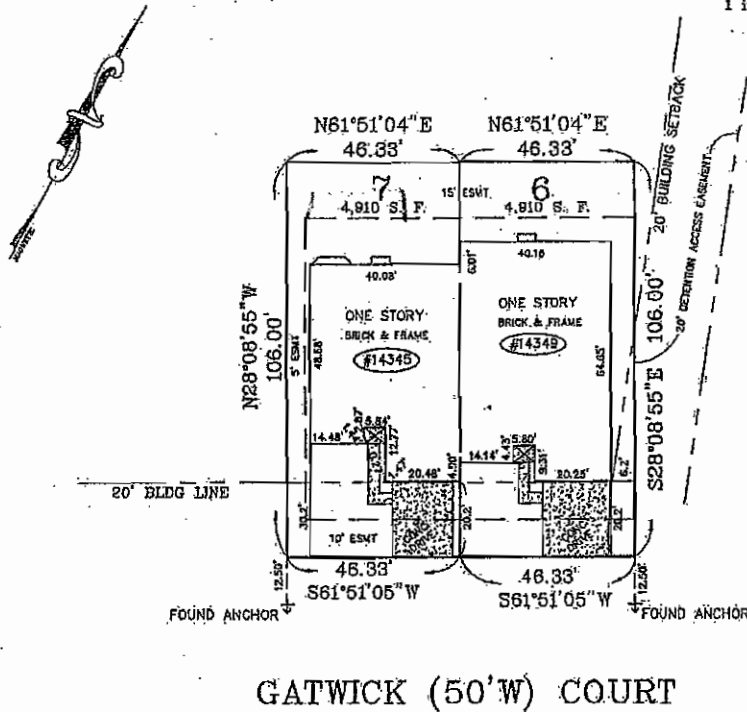
Date

AMENDED PLAT OF
PADDINGTON HILL
 TRACT OF LAND IN U.S. SURVEY 206,
 TOWNSHIP 46 NORTH, RANGE 4 EAST,
 CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI
 (P.B. 355, PG. 439)

NOTE: All easements shown per Record Plat.
 No title binder was provided at time of drawing.
 The accuracy to this drawing is plus or minus
 one half a foot.



(IN FEET)
 1 inch = 30 ft.



GATWICK (50'W) COURT

SURVEYOR'S REAL PROPERTY REPORT (This does not constitute a boundary survey)

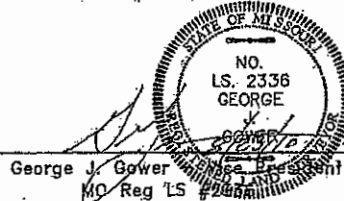
THE STERLING COMPANY

ENGINEERS - SURVEYORS - LAND PLANNERS
 5055 NEW BAUMGARTNER ROAD, ST. LOUIS, MO 63129
 (314) 487-0440

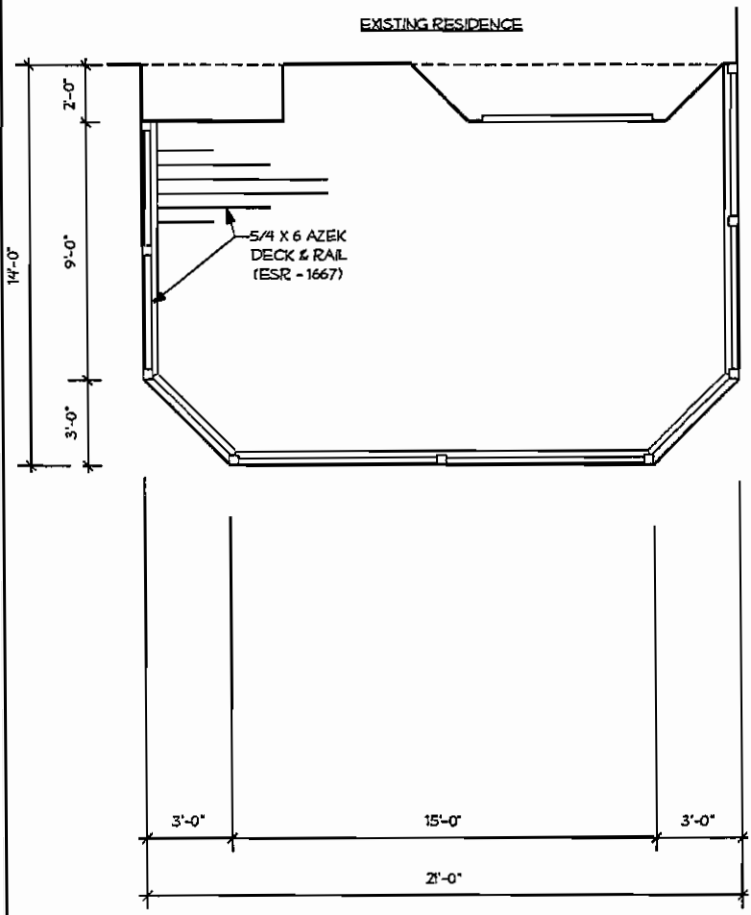
This is to certify that we have on August 18, 2010, by order of McBride & Son Homes, made a Surveyor's Real Property Report (in accordance with 10 CSR 30-5.010 and 20 CSR 2030-19 with an effective date of August 28, 2006) on Lots 6 and 7 of Amended Plat of Paddington Hill, as recorded in Plat Book 355, Page 439 of the St. Louis County Records in St. Louis County, Missouri, and that said inspection was conducted under the immediate supervision of the undersigned land surveyor. Fences if any, are not located or shown hereon. This does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners have been set, and existing survey monuments have not been confirmed. This drawing should not be relied upon for the establishment or construction of any fence, structure or other improvement. Anyone interested in a positive determination concerning the existence or magnitude of possible encroachments, as well as anyone interested in constructing new improvements on the inspected property, needs to order an outboundary survey. Unless otherwise noted hereon, all linear and angular property dimensions have been shown per available record dimensions, and have not been verified. No warranty of any kind is extended to the present or future owners or occupants.

Order Number: 10-01-028

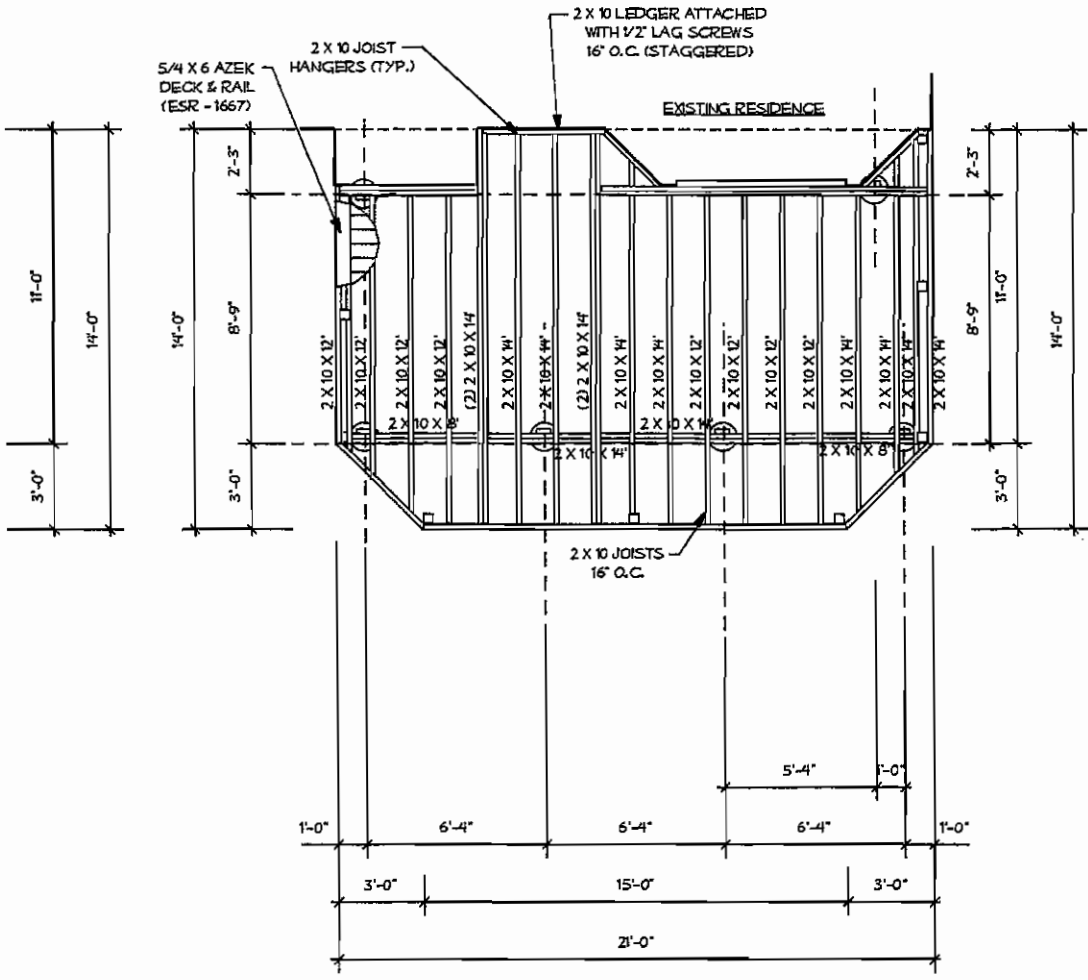
Property Address: 14349 and 14345 Gatwick Court



By: Surv J.S. Dwn J.M. Ckd



DECK - PLAN VIEW



PIER, POST, BEAM & FRAMING LAYOUT

| | | |
|--------------------------------------|----------------|---------------|
| CALIFORNIA CUSTOM DECKS, INC. | | |
| CUSTOMER: | WHITE | SOP NO.: 595 |
| SCALE: | 1/4" = 1' - 0" | DATE: 08/1/10 |



SALES CONTRACT

Date 8/11/10

CALIFORNIA custom decks (Seller) hereby agrees to sell, and Mrs + Mr. WHITE
(Buyer) agrees to purchase from Seller the following goods and services.

CALIFORNIA custom decks hereby offers for the amount shown below, and subject to the below listed conditions and those stated on the reverse side thereof, to furnish, deliver, and install the materials listed below in accordance with the specifications set forth and any sketches, specifications or drawings attached hereto.

Name(s) of Buyer Mrs + Mr. White

Residence 14345 GATWICK City CHEST. State MO Zip 63017

Phone: Res. 636-477-7947 Bus. 314-397-3443 Cell 314-780-5098

SPECIFICATIONS

THE WORK shall include the following: Deck Sunroom Gazebo Other _____

21x14 Deck w/ Mounts Crown Art Dome Finishes w/ Black
fiberglass Horizontal Pine Rail w/ Beach Cedar
Baseboard.
- Senger Brand Finishes Included.
- Karna Wood Covered Step Down.

NOTES: _____

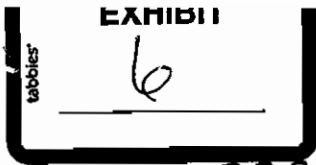
15. LIQUIDATED DAMAGES: If the Buyer terminates this contract before work is started he shall pay the Seller twenty-five percent (25%) of the cash price as liquidated damages and not as a penalty. If the Buyer terminates this contract after work has begun, he shall pay the Seller that portion of the cash price equal to the reasonable value of the portion of the work completed, plus the price for all changes, plus a sum equal to twenty-five percent (25%) of the cash price as liquidated damages and not as a penalty. However, this paragraph does not impair the Buyer's right to cancel this contract within three (3) business days after it is signed, as permitted by federal law. If it is further understood that should the Buyer fail to permit Seller to begin or proceed with the said work for any reason other than legal rescission, Seller will be relieved of any obligation hereunder, and Buyer(s) agree(s) jointly and separately to pay to the Seller all expenses sustained by Seller plus 25% of the contract price herein on demand and therefore made by the Seller as liquidated and agreed damages and not as a penalty for forfeiture.

16. INSURANCE: SELLER WILL CARRY ALL NECESSARY INSURANCE TO PROTECT SELLER'S EMPLOYEES DURING THE PROCESS OF THE WORK. Buyer shall obtain and pay for liability insurance against injury to his own employees and persons under Buyer's direction and persons on the job site at Buyer's invitation. Buyer is responsible for obtaining any additional coverage required herein.

IF THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION.

AT THE SELLER'S EXPENSE AND RISK.

IF YOU UNDER THIS CONTRACT OR SALE, OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS.



BILL NO. 2274

ORDINANCE NO. 2101

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE FOR 7.8 ACRES OF LAND ZONED "R-3" RESIDENCE DISTRICT LOCATED NORTH OF OLIVE STREET ROAD AND EAST OF SPYGLASS SUMMIT DRIVE. (P.Z. 33-2003 GREATER MISSOURI BUILDERS - CHESTERFIELD CROSSING)

WHEREAS, the petitioners, Greater Missouri Builders, requested a Planned Environment Unit (PEU) for 7.8 acres of land located north of Olive Street Road and east of Spyglass Summit Drive; and,

WHEREAS, the Planning Commission held a Public Hearing on December 8, 2203 to consider the matter, and;

WHEREAS, the Planning Commission, having considered said request, recommended approval of the Planned Environment Unit (PEU); and,

WHEREAS, the City Council, having considered said request, amended the Attachment "A" with regard to the structure setbacks, access, entrance approach design and access to any future development to the east; and voted to approve said 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 a Planned Environment Unit (PEU) for 7.8 acres of land located north of Olive Street Road and east of Spyglass Summit Drive, as follows:

A tract of land being part of U.S. Survey 206, Township 46 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the intersection of West line of a 20 foot wide strip of land known as Knollwood Drive and the North line of Olive Boulevard (Rte. 340) (variable width); thence along said North line the following courses and distances: South 61 degrees 53 minutes 22 seconds West 355.78 feet; thence South 66 degrees 13 minutes 27 seconds West 147.37 feet; then South 74 degrees 32 minutes 42 seconds West 98.58 feet; thence North 70 degrees 19 minutes 22 seconds West 65.42 feet; thence leaving said North line North 00 degrees 24 minutes 09 seconds East 664.91 feet; thence North 39 degrees 57 minutes 29 seconds 352.97 feet; thence South 19 degrees 42 minutes 23 seconds East 453.11 feet; thence North 61 degrees 57 minutes 0 seconds East 80.00 feet to a point in said North line of Knollwood Drive; thence along said North line South 25 degrees 31 minutes 46 seconds East 349.29 feet to the point of beginning.

Containing 7.8 acres, more or less.

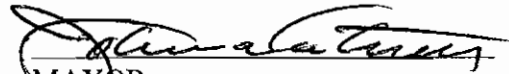
Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council.

Section 4. The City Council, pursuant to the petition filed by Greater Missouri Builders in P.Z. 33-2003, 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 8th day of December, 2003 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.

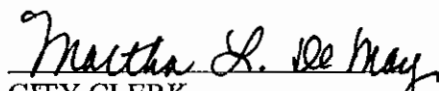
Section 5. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 4th day of JUNE, 2004.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 1.0 General Policies
- 2.1 Quality Residential Development
 - 2.1.1 Conservation of Existing Quality of Life
 - 2.1.4 Compatible In-fill Residential Construction
 - 2.1.6 Reinforce Existing Residential Development Pattern
 - 2.1.9 Encourage Planned Residential Development
 - 2.1.11 Restrict Access of Individual Homes on Arterial Streets
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.5 Right of Way Dedication
- 7.2.9 Access Management
- 8.1 Provision of Utilities
 - 8.2.2 Underground Electrical Service
- 8.3 Stormwater Management
- 9.2 Coordination with School Districts

I. PERMITTED USES

A. The uses allowed this “R-3” Planned Environment Unit shall be:

1. Twenty-seven (27) single-family attached residences.

II. FLOOR AREA, HEIGHT, AND BUILDING REQUIREMENTS

A. The following requirements will apply to the permitted uses:

1. HEIGHT

- a. The maximum height of the residences will not exceed forty-five feet (45’) or three stories.

2. BUILDING REQUIREMENTS

- a. Greenspace: A minimum of sixty percent (60%) greenspace is required for this development. Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

III. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months from the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the developer will submit to the City of Chesterfield for their review and approval a Site Development Plan. Where due cause is shown by the developer, this time interval may be extended through appeal to and approval by the Planning Commission in accordance with the City of Chesterfield Zoning Ordinance.

Failure to comply with aforementioned time limits or receipt of an extension prior to the aforementioned time requirements will result in the expiration of preliminary plan and will require a new public hearing. The Site Development Plan will include but not be limited to the following:

IV. GENERAL CRITERIA

- A. The Site Development Plan will include the following:
 1. Outboundary plat and legal description of the property.
 2. Location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.
 3. Location map, north arrow, and plan scale.
 4. Parking calculations.
 5. Architectural elevations (with design statement) and materials of the proposed residences.
 6. Specific structure and parking setbacks along all roadways and property lines.

7. The size and approximate location of the proposed internal and adjacent roadway, major utility easements, necessary right-of-way dedications, road improvements, and curb cuts.
 8. Prior to Site Development Plan approval, show existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site.
 9. Prior to Site Development Plan approval, show existing improvements within 150 feet of the site as directed. Road and driveways on the opposite side of roadways adjacent to the site, and the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed will be included.
 10. Prior to Site Development Plan approval, show all existing and proposed easements/rights-of-way on site and all existing or proposed off-site easements and rights-of-way required for utilities, storm water drainage, grading, or other improvements.
 11. Prior to Site Development Plan approval, show all existing or proposed easements and right-of-way extending 150 feet beyond the site.
 12. The Site Development Plan and Tree Preservation Plan must be approved prior to clearing or grading.
 13. The location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.
 14. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.
 15. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
 16. The scale to which the Site Development Plan will be drawn will be no greater than one (1) inch equals one hundred (100) feet.
 17. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, and the Missouri Department of Transportation.
 18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
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V. SPECIFIC CRITERIA

A. The Site Development Plan will illustrate adherence to the following site specific design criteria:

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. Two-hundred-fifty (250) feet from the northern-most boundary of the Planned Environment Unit.
- b. Forty (40) feet from the southern boundary of the Planned Environment Unit.
- c. Twenty (20) feet from the eastern boundary of the Planned Environment Unit.
- d. Twenty (20) feet from the western boundary of the Planned Environment Unit.
- e. Individual lots shall meet the following requirements:
 - (i) Minimum front yard setback shall be twenty-feet (20').
 - (ii) Minimum rear yard setback shall be fifteen-feet (15'). Maintain thirty feet (30') between buildings.
 - (iii) Minimum side-yard setback shall be six-feet (6'). Maintain twelve feet (12') between buildings.

2. Parking and Loading Space Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Two-hundred-fifty (250) feet from the northern boundary of the Planned Environment Unit.
- b. Forty (40) feet from the southern boundary of the Planned Environment Unit.

- c. Twenty (20) feet from the eastern boundary of the Planned Environment Unit.
- d. Twenty (20) feet from the western boundary of the Planned Environment Unit.

3. Parking and Loading Requirements

Parking and loading spaces for this development will be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

Adequate on-site parking for construction related vehicles and equipment shall be provided. No parking shall be permitted on the Olive Boulevard right of way.

4. Access

- a. Access to the site shall be limited to a single curb cut on Olive Boulevard (State Route 340). The location of the access shall be a minimum of 200' west of Stablestone Dr., as measured from centerline to centerline, and the entrance shall maintain a radius of forty-feet (40') at each curb line, and the approach platform shall be designed with a 4% grade for not less than forty-feet (40') or as approved by the City of Chesterfield and the Missouri Department of Transportation.
- b. A future street connection to the parcels to the east shall be accommodated by the construction of a stub street running from the intersection of the north/south roadway, to the eastern property line. This connection should be located no closer than 300' to Olive Boulevard (State Route 340) or as directed by the City of Chesterfield Department of Public Works.
- c. The north-south roadway shall be constructed to a minimum width of thirty-two feet (32') and parking shall be restricted to one side only, as directed by the Department of Public Works.

5. Public/Private Road Improvements, Including Pedestrian Circulation

- a. Provide a 5' wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Olive Boulevard (State Route 340) along the frontage of the subject tract. The sidewalk may be located within State right-of-way or within a 6' wide sidewalk, maintenance and utility easement on the subject property.
 - b. The developer shall provide any additional right-of-way for State Route 340, and construct any improvements, as directed by the Missouri Department of Transportation and the City of Chesterfield.
 - c. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. The turn arounds may also be required to accommodate school buses, as directed by the City of Chesterfield Department of Public Works.
 - d. For street grades in excess of a six percent (6%) slope a steep grade approval must be obtained from the Department of Public Works prior to Site Development Plan approval. In no case shall slopes in excess of twelve percent (12%) be permitted. Any request for steep street grades must include justification prepared, signed and sealed by a professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the City's Street Grade Design Policy. The justification should clearly show site conditions and alternatives considered. If steep grades are approved for this site, a note indicating that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat and provided to all prospective buyers.
 - e. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation including internal and external circulation, for review and approval. The scope of the study 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 propose development falls within the parameters of the regional traffic study. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
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- f. No lot shall be allowed direct access to Olive Boulevard (State Route 340).
- g. The distance from the existing edge of pavement of Olive Boulevard (State Route 340) to the edge of the first driveway opening shall not be less than 80 feet.

6. Traffic Study

Prior to Site Development Plan approval, provide a traffic study, including internal and external circulation, for review, and approval, by the City of Chesterfield Department of Public Works, and the St. Louis County Department of Highways and Traffic.

7. Landscape Plan

The developer shall submit a landscape plan in accordance with the Landscape Guidelines adopted by the Planning Commission, either as part of the appropriate Site Development Concept Plan or on a separate drawing to be reviewed as part of said plan, to comply with the following:

- a. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds one thousand (\$1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
- b. Prior to release of the Landscape Installation Bond/Escrow, a two (2)-year Landscape Maintenance Bond/Escrow will be required.

8. Sign Requirements

- a. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield Department of Public Works for sight distance considerations prior to installation or construction.
- b. All permanent freestanding signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This

landscaping shall be as approved by the Planning Commission on the Site Development Plan.

- c. All other signs shall be permitted in accordance with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.

9. Light Requirements

- a. The location of the light standards will be as approved by the Planning Commission on the Site Development Plan and will be in conformance with City of Chesterfield regulations. A Lighting Plan, with specific product information, is required in conjunction with the Site Development Plan.
- b. Except for required street lighting, no source of illumination will be so situated that light is cast on any public right-of-way or adjoining property. Lighting will be required in compliance with City of Chesterfield regulations, including the Subdivision Ordinance.

10. Architectural elevations

The developer shall submit architectural elevations and building materials. Architectural information is to be reviewed by the Architectural Review Board prior to submission to the Planning Commission.

13. Power of Review

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan for a development 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. The City Council will then take appropriate action relative to the proposal.

14. Miscellaneous

- a. 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.

Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

- b. Trees 100-105, 107, 117 and 118 as shown on the Tree Stand delineation dated 01/15/2004 will be preserved, subject to review and approval by the City of Chesterfield Tree Consultant.
- c. The developer shall provide to each original purchaser of the parcels in this development a written disclosure that the stub street shall be connected for any future development to the east of this site. A signed copy shall be maintained in the real estate files of any sales agent. Further, the subdivision indentures shall be required to contain the statement that the stub street is planned to be connected if the property to the east is developed.

15. Detention Basin Agreement

- a. Prior to issuance of permits, the Developer shall provide a copy of the easement agreement to permit Mansions at Spyglass subdivision to utilize and discharge storm water into the Detention Basin.
- b. Prior to issuance of permits, the Developer shall provide a copy of the agreement to allow residents of Mansions at Spyglass Summit access to the Detention Basin and surrounding area for walking and visual enjoyment.
- c. The Detention Basin shall be maintained and repaired by the Developer and brought into compliance with current MSD standards. 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.
- d. The fountain in the detention basin shall be preserved, enhanced or repaired by the Developer.
- e. The Developer will provide continuous landscaping and berming areas along the border with Mansions at Spyglass to adequately screen the new development per agreed plans which will include evergreen trees and shrubs ("Development Landscaping") and will plant additional trees in the rear yards of Mansions at Spyglass lots that adjoin the proposed development if requested by the Mansions at Spyglass association.

All such landscaping in the proposed development shall be maintained by the Developer or his successors. New landscaping on the proposed development shall meet or exceed City of Chesterfield standards. New landscaping placed within Mansions at Spyglass shall be maintained by the Trustees of Mansions at

Spyglass and shall meet the following standard: Minimum caliper for deciduous trees shall be 3.5 inches. Minimum height for evergreen trees shall be (ten)10 feet. Minimum height for shrubs shall be three (3) feet.

- f. Prior to issuance of permits, the Developer shall provide a copy of the executed quit claim deed to the detention basin.

VI. VERIFICATION PRIOR TO APPROVAL

A. Prior to approval of the Site Development Plan, the developer will provide the following:

1. Roadway Improvements and Curb Cuts.

- a. Obtain approval from the City of Chesterfield Department of Public Works and the St. Louis County Highways and Traffic for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

2. Stormwater and Sanitary Sewer.

- a. Detention/retention will be provided for this site. Detention of differential runoff of storm water is required by providing permanent detention facilities such as dry reservoirs, ponds, underground vaults or another alternative acceptable to the Department of Public Works. The detention basin(s) will be operational prior to construction of any driveways or parking areas. The location and types of detention facilities will be identified on the Sit Development Plan.
- b. Emergency overflow drainage ways to accommodate the 100-year storm shall be provided for all storm sewers as directed by the City of Chesterfield, Department of Public Works

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.

- c. The site will provide for the positive drainage of storm water and it will be discharged at an adequate natural discharge point. No change in watersheds will be permitted. The adequacy of any existing downstream storm water facilities will be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Emergency overflow drainage ways to accommodate the 100-year storm will be provided. Off-site easements for areas inundated by headwater from on site improvements will be provided as required by the Department of Public Works.

3. Geotechnical Report.

Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. Said Report will verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, will be included on all Site Development Plans and Improvement Plans. This report will address the existence of any potential sinkholes, ponds, dams, septic fields, etc., and recommendation for treatment.

4. Grading and Improvement Plans.

- a. Interim storm water drainage control in the form of siltation control and/or siltation basins is required throughout construction. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the Department of Public Works prior to approval of any clearing or grading. The SWPPP will address required erosion control practices specific to site conditions. Its purpose is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP's) to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. The SWPP will ensure compliance with Missouri Water Quality Standards, and the terms and conditions of the NPDES for the site.
- b. A Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved by the City of Chesterfield Department of Public Works prior to any clearing or grading permit approval. The SWPPP covers required erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of the Best Management Practices (BMP's) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities. It shall comply with the Missouri Water Quality Standards, and ensure compliance with the terms and conditions of the NPDES.
- c. Temporary settlement basins, as required by the City of Chesterfield Department of Public Works, will be constructed during construction to allow for settling of sediment, prior to the discharge of storm water from this site. Erosion and siltation control will be installed prior to any grading and be maintained throughout the project until acceptance of the work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil.
- d. When clearing and/or grading operations are completed or suspended for more than 30 days, all necessary precautions will be taken to retain soil materials on site. Protective measures, such as permanent seeding, periodic

wetting or other means, may be required by the Director of Public Works/City Engineer upon demand.

- e. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized erosion, if adequate storm water detention and erosion control devices have not been established.
- f. Provide adequate temporary off-street parking for construction employees and a vehicle washdown/cleaning area. Parking on non-surface areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked on the pavement causing hazardous roadway and driving conditions. The contractor will keep the roads in the area clear of mud and debris related to his construction at all times. The streets surrounding this development and any street used for construction access thereto will be cleaned at the end of each day.
- g. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses will be utilized to retard erosion, if adequate stormwater detention and erosion control devices have not been established.
- h. This development will require an NPDES Permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one or more acres.
- i. A clearing and/or grading permit is required prior to any grading on the site. The Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a clearing and/or grading permit. No change in watersheds will be permitted.
- j. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. None of this material should be placed in proposed public right-of-way locations or in any storm sewer location.
- k. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to 90% of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed under the direction of and verified by a soils engineer concurrent with grading and backfilling operations.

- l. When clearing and/or grading operations are completed or will be suspended for more than **14 days**, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.
- m. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the City of Chesterfield Planning Department in cases of undue hardship because of unfavorable ground conditions. If the lot is to be seeded and mulched it shall be done so in a manner that it meets or exceeds the requirements of the City of Chesterfield's Sediment and Erosion Control Guidelines.
- n. Detention/retention is to be provided in each watershed as required by the City of Chesterfield Department of Public Works. Detention of stormwater runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds or another acceptable alternative. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet. The detention/retention facilities shall be operational prior to issuance of building permits exceeding sixty (60%) of the approved dwelling units. Detention/retention facilities shall be operational in each plat, watershed, or phase prior to issuance of 60% of the building permits in each plat, phase, or watershed. The location and types of detention/retention facilities shall be identified on the Site Development Plan.
- o. Provide a geotechnical report, as directed by the City of Chesterfield, Department of Public Works, prepared by a Professional Engineer, licensed to practice in the State of Missouri. Said Report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on all Site Development Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment.

VII. RECORDING

Within sixty (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 by the Planning Commission.

VIII. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE

Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of credit must be established with this Department to guarantee completion of the required roadway improvements.

IX. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

X. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Notification of St. Louis County Department of Public Works

Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, {the Missouri Department of Transportation (Department of Highways and Traffic)} and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in

accordance with the grading and soil requirements and conditions contained in the report.

XI. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
- B. Prior to final occupancy of any building the developer will provide certification by a Registered Land Surveyor that no U.S. Public Land Survey Corner has been disturbed during the construction activities or that it has been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.
- C. Prior to issuance of an occupancy permit, all disturbed areas will be seeded and mulched at the minimum rates defined in Appendix "A" of the City of Chesterfield's "Model Sediment & Erosion Control Guidelines" or sodded. A temporary occupancy permit may be issued by the Department of Planning in cases of undue hardship because of unfavorable ground conditions.
- D. The obligations and conditions set forth in this attachment are specific to the developer. These obligations and conditions survive the issuance building permits until they are fulfilled and an occupancy permit shall not be released to the developer until they are met.

XII. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer will provide certification by a Registered Land surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources' Land Survey Program.

XIII. GENERAL DEVELOPMENT CONDITIONS

- A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
1. Detention/retention will be provided for this site. A fence complimentary to the office building and parking structure is required around the detention basin.
 2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.
 3. 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.
 4. Waiver of Notice of Violation per Section 1003.410(2) of the City of Chesterfield Zoning Ordinance.
 5. The entrance geometrics and drainage design will be in accordance with Missouri Department of Transportation (MoDot) standards and will be reviewed and approved by the City of Chesterfield and the Missouri Department of Transportation (MoDot).
 6. The petitioner will provide adequate detention to eliminate any additional water discharge to encroach MoDot right of way.
 7. Detention may be required for the entire project site such that the release rates will not exceed the allowable release rates for the post developed peak flow of the 2-year and 100-year, 24 hour storm event. Stormwater must be discharged at an adequate discharge point. Wetland mitigation will not be allowed in the detention basin area.
 8. The developer will cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the U.S. Public Land Survey Corners.
 9. All drainage detention storage facilities will be placed outside of the standard governmental agency planning and zoning setbacks, or 15 feet from the new or existing right of way line, whichever is greater.
 10. 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 Section 1003.410(2) of the Zoning Ordinance.

- B. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.